Ata n.º 11/2021
do
Conselho Científico da Faculdade de Direito da Universidade de Lisboa

No dia 17 de novembro de 2021, com início pelas 15:05, teve lugar reunião plenária do Conselho Científico da Faculdade de Direito da Universidade de Lisboa, presidida pelo Professor Dário Moura Vicente e secretariada pelo Professor Nuno Andrade Pissarra, com a seguinte Ordem de Trabalhos:

1. Aprovação da ata da reunião de 13 de outubro;
2. Licenciatura;
3. Mestrados;
4. Doutoramentos;
5. Pós-doutoramentos;
6. Pós-graduações no âmbito do Projeto do PRR: Regulamento e distribuição de serviço docente;
7. Pós-graduações em parceria com a Universidade dos Açores: Regulamento e distribuição de serviço docente;
8. Ensino a distância: ponto da situação do projeto;
9. Doutoramentos *honoris causa*;
10. Pessoal docente;
11. Centro de Arbitragem e de Resolução de Litígios;
12. Cooperação;
13. Erasmus e Relações Internacionais;
14. Outros assuntos.

Participaram na reunião os Professores Miguel Teixeira de Sousa, Maria do Rosário Palma Ramalho, Vasco Pereira da Silva, Maria João Estorninho, Ana Paula Dourado, Jorge Duarte Pinheiro, Margarida Salema d'Oliveira Martins (a partir do ponto 7. da Ordem de Trabalhos), David Duarte, Fernando Loureiro Bastos, Pedro Caridade de Freitas, Elsa Dias Oliveira, Míriam Afonso Brigas e Vitalino Canas.

O Professor António Menezes Cordeiro foi substituído pelo Professor Paulo de Sousa Mendes (que também esteve presente na qualidade de Presidente da Comissão Científica dos Estudos Pós-Graduados), a Professora Maria Fernanda Palma foi substituída pela Professora Sílvia Alves, o Professor Pedro de Albuquerque foi substituído pelo Professor Diogo Costa Gonçalves, a Professora Helena Morão foi substituída pelo Professor João Espírito Santo e a Professora Inês Ferreira Leite foi substituída pelo Professor Daniel Morais.

Estiveram, igualmente, presentes na reunião a Diretora da Faculdade, Professora Paula Vaz Freire, e o representante dos Assistentes, Dr. Vítor Palmela Fidalgo.

A reunião foi realizada através da plataforma *Zoom*.

1. Assuntos tratados antes da Ordem de Trabalhos

1.1. O Presidente do Conselho Científico informou os conselheiros de que o Professor Jorge Miranda lhe transmitira a intenção de legar à Faculdade a sua biblioteca de Direito Constitucional.

O Presidente do Conselho Científico e o Professor Miguel Teixeira de Sousa, na qualidade de Professor Bibliotecário, agradeceram, reconhecidamente, o gesto do Professor Jorge Miranda.

O Professor Miguel Teixeira de Sousa sugeriu a organização de homenagem ao Professor Jorge Miranda.

1.2. Entre os Professores Jorge Duarte Pinheiro e Miguel Teixeira de Sousa foram abordados os problemas que têm ocorrido com a pesquisa bibliográfica na página *web* da Biblioteca, após a instituição do "Catálogo Coletivo da Universidade de Lisboa" e a sua centralização no "Serviço de Pesquisa da Universidade de Lisboa".

2. Ponto 1 da Ordem de Trabalhos (ata da reunião de 13 de outubro)

O Presidente do Conselho Científico recordou que fora solicitado, pelo Professor Fernando Loureiro Bastos, um pequeno ajustamento à redação da al. e) do Ponto 13 do projeto da ata n.º 10/2021.

Posta à votação a Ata n.º 10/2021 do Conselho Científico, correspondente à reunião plenária do dia 13 de outubro de 2021, foi a mesma aprovada, por maioria, com o ajustamento pedido pelo Professor Fernando Loureiro Bastos; registou-se uma abstenção, do Professor Diogo Costa Gonçalves, por virtude de não ter estado presente naquela reunião.

3. Ponto 2 da Ordem de Trabalhos (Licenciatura)

3.1. A Diretora prestou, designadamente, as seguintes informações:

a) encontram-se aprovadas e fixadas as datas das frequências e dos exames do primeiro semestre;
b) encontram-se a decorrer, sem verificação de problemas, as aulas de compensação do 1.º ano;

c) já teve início o primeiro curso de formação de docentes no âmbito da cooperação com a Universidade Aberta, que, de resto, logrou extraordinária adesão.

3.2. A Diretora deixou apelo aos docentes para que entregassem, o mais depressa possível, as fichas curriculares necessárias à instrução do pedido de acreditação do curso de Mestrado em Direito e Ciência Jurídica a distância.

3.3. A Professora Maria do Rosário Palma Ramalho solicitou esclarecimentos a respeito das fichas curriculares de docentes e de eventuais medidas a adotar em função da evolução da pandemia e lamentou, por outro lado, as indesejáveis consequências do atual Regulamento de Avaliação relacionadas com a circunstância de as frequências terem lugar a partir do início de dezembro e enquanto as aulas continuam sendo ministradas; em especial, a Professora Maria do Rosário Palma Ramalho referiu a perda de interesse manifestada pelos alunos no que toca ao estudo e à participação nas aulas teóricas das disciplinas cujas frequências são primeiramente realizadas.

3.4. Pelo Professor Jorge Duarte Pinheiro foi pedido esclarecimento no que tange ao reforço de júris, esclarecimento este que foi prestado pelo Presidente do Conselho Científico.

3.5. O Professor Miguel Teixeira de Sousa observou que a aprovação do atual sistema de avaliação foi, em devido tempo, contestada por alguns professores.

3.6. O Professor David Duarte corroborou o lamento deixado pela Professora Maria do Rosário Palma Ramalho a respeito do regime de avaliação, fazendo ainda notar que a realização das frequências pode implicar a subtração de aulas teóricas, e recordou, além disso, o consenso que se verifica entre os docentes nesta temática e a necessidade de a resolver no seio do Conselho Pedagógico.

3.7. O Presidente do Conselho Científico informou os conselheiros de que, tendo abordado o tema junto do Presidente do Conselho Pedagógico, Professor A. Barreto Menezes Cordeiro, este lhe transmitira considerar mais oportuna a sua discussão após a realização das eleições para os órgãos da Faculdade.

3.8. A Diretora prestou os seguintes esclarecimentos adicionais:

a) será reenviada aos docentes a minuta da ficha curricular;
b) a Direção está atenta à evolução da situação da pandemia, tal como anteriormente, e tomará as medidas que se vierem a revelar necessárias e

adequadas, no respeito pelas orientações e determinações superiormente definidas.

4. Ponto 3 da Ordem de Trabalhos (Mestrados)

4.1. O Professor Paulo de Sousa Mendes informou o Conselho Científico de que:

a) na sequência do decidido na última reunião plenária, todos os Professores da Faculdade foram informados e auscultados sobre as listas de participações em júris de Mestrado em Direito e Prática Jurídica, de Mestrado em Direito e Ciência Jurídica e de Doutoramento;
b) apenas foram solicitadas correções à lista de participações em provas de Mestrado, a qual foi dividida em duas outras, uma para o Mestrado em Direito e Ciência Jurídica, outra para o Mestrado em Direito e Prática Jurídica;
c) foram estas duas listas que, incorporando todas as correções pedidas, circularam pelos membros efetivos e suplentes do Conselho Científico antes da presente reunião.

4.2. Ficou estabelecido que cada Grupo Científico fará, internamente, reflexão sobre a utilidade que pretende conferir às listas de participações em júris de Doutoramento e de Mestrado. Ulteriormente, e sendo tal considerado oportuno, o Conselho Científico deliberará sobre a divulgação externa de tais listas.

4.3. O Professor Paulo de Sousa Mendes deu nota ao Conselho Científico de que, cumprindo deliberação tomada na última reunião plenária, a Comissão Científica dos Estudos Pós-Graduados identificou todas as situações de urgência no que diz respeito à marcação e realização de provas de Mestrado. Em especial, o Professor Paulo de Sousa Mendes referiu as situações de Ália Amadá, Leonardo Bone e Shiyue Lu (candidaturas condicionais ao Doutoramento) e exortou os presidentes dos júris de todos os casos urgentes a procederem à marcação e realização das provas de Mestrado até ao fim do ano civil.

4.4. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Ciência Jurídica (especialidade em Direito Penal e Ciências Criminais) de Marcilândia de Fátima Araújo constante do Anexo 1.

4.5. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Ciência Jurídica (especialidade em Direito Financeiro e Económico Global) de Yu Chen constante do Anexo 2.

4.6. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Ciência Jurídica de Mário Luís Mantovani Júnior (especialidade em Teoria do Direito) e de Armando Dantas do Nascimento Júnior (especialidade em História do Direito) constantes do Anexo 3.

4.7. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Ciência Jurídica (especialidade em Direito Civil) de Mário Henrique Mazza constante do Anexo 4.

4.8. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Ciência Jurídica de Adelina Noloti Chissaluquila (especialidade em Direito Civil), Leonardo Castro de Bone (especialidade em Direito Civil), Carolina Martins Medina (especialidade em Direito Civil), Moisés Souza dos Santos Filho (especialidade em Direito Comercial Internacional) e Dixian Chen (especialidade em Direito Comercial Internacional) constantes do Anexo 5.

4.9. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Ciência Jurídica (especialidade em Ciências Jurídico-Internacionais) de Bianca Cartágenes Saraiva constante do Anexo 6.

4.10. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Ciência Jurídica de António Lisboa de Castro Viana Júnior (especialidade em Direitos Fundamentais) e de Pedro Miguel Vieira Estevão (especialidade em Direito Administrativo) constantes do Anexo 7.

4.11. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Penal) de Joana Margarida Alves Queijo constante do Anexo 8.

4.12. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Ciências Jurídico-Forenses) de Ana Raquel da Silva Ferreira constante do Anexo 9.

4.13. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Penal) de Silvana Patt da Silva Pinto constante do Anexo 10.

4.14. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Penal) de Duarte Domingos Moura de Sousa constante do Anexo 11.

4.15. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Penal) de Amadeu Fernando Monjamba constante do Anexo 12.

4.16. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Financeiro e Fiscal) de Isabel Danieli Nardon Siciliana constante do Anexo 13.

4.17. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Prática Jurídica de Teresa Maria Teixeira Rodrigues (especialidade em Direito Civil), Nelson Irineu Fançony Santos (especialidade em Direito da Empresa) e Victorina Viana António Cuanga (especialidade em Direito da Empresa) constantes do Anexo 14.

4.18. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Prática Jurídica de Vanessa Alexandra Assunção Manso (especialidade em Direito Civil), Vanessa Filipa Taborda Oliveira (especialidade em Direito da Empresa), Ruben Daniel Fernandes Gonçalves (especialidade em Direito da Empresa), Sofia Inês Videira Gomes (especialidade em Direito da Empresa), Christiano Oliveira de Aguiar Santos (especialidade em Direito da Empresa) e Maria Carlota Garrido Spínola (especialidade em Ciências Jurídico-Forenses) constantes do Anexo 15.

4.19. Foi aprovado, por unanimidade, o júri de Mestrado em Direito e Prática Jurídica (especialidade em Direito Administrativo e Administração Pública) de Ana Rita Marques Ramalho constante do Anexo 16.

4.20. Foram aprovados, por unanimidade, os júris de Mestrado em Direito e Prática Jurídica de Raquel da Silva Ferreira (especialidade em Direito do Ambiente, dos Recursos Naturais e da Energia), Yanira Samantha Gomes Fernandes (especialidade em Direito Internacional e Relações Internacionais), Shiyue Lu (especialidade em Direito Internacional e Relações Internacionais) e Nique Lauda Mendes Cabral (especialidade em Direito Internacional e Relações Internacionais) constantes do Anexo 17.

5. Ponto 4 da Ordem de Trabalhos (Doutoramentos)

5.1. O Presidente do Conselho Científico informou os conselheiros de que, desde o início do seu mandato, foram:

a) processadas 89 teses;
b) aprovadas 34 teses;

c) admitidas à realização de provas públicas 6 teses;
d) reprovadas 2 teses;
e) mandadas reformular 37 teses;
f) retiradas 6 teses;
g) rejeitadas 4 teses;
h) no total, apreciadas positivamente 40 teses e apreciadas negativamente 49 teses.

5.2. O Presidente do Conselho Científico deu nota da conclusão do Doutoramento pelo Doutor Pedro Múrias, antigo docente da Faculdade.

5.3. Após breve troca de impressões entre os Professores David Duarte, Pedro Caridade de Freitas e Dário Moura Vicente, foi aprovado, por maioria (registaram-se duas abstenções), o júri de Doutoramento de Martinho da Cruz Nombo (na especialidade em História do Direito, conforme proposta da Comissão Científica de Estudos Pós-Graduados previamente distribuída) constante do Anexo 18, sem prejuízo de poder ser ajustado, na próxima reunião plenária, por iniciativa do Grupo de Ciências Histórico-Jurídicas.

5.4. Foi aprovado, por unanimidade, o júri de Doutoramento de Anderson Furlan Freire da Silva (na especialidade de Direito Fiscal, conforme proposta da Comissão Científica de Estudos Pós-Graduados previamente distribuída) constante do Anexo 19.

5.5. Foi aprovado, por unanimidade, o júri de Doutoramento de Fátima Vieira Henriques (na especialidade de Ciências Jurídico-Políticas, conforme proposta da Comissão Científica de Estudos Pós-Graduados previamente distribuída) constante do Anexo 20.

5.6. A Professora Ana Paula Dourado solicitou que a Diretora tomasse providências no sentido de ser dada publicidade, no *site* da Faculdade, às datas de realização das provas de doutoramento.

6. Ponto 5 da Ordem de Trabalhos (Pós-Doutoramentos)

6.1. O pedido de prorrogação, por um semestre, do prazo para entrega do trabalho de Pós-Doutoramento formulado por Adriana Noemi Pucci foi aprovado por unanimidade (*vide* Anexo 21).

6.2. Foram aprovados, por unanimidade, os pedidos de admissão ao Pós-Doutoramento em 2021/2022 formulados por Ana Luiza Barreto de Andrade Fernandes

Nery (especialidade em Ciências Jurídico-Civis), Edvaldo Nilo de Almeida (especialidade em Ciências Jurídico-Políticas), Gustavo Bohrer Paim (especialidade em Ciências Jurídico-Políticas) e Robertônio Santos Pessoa (especialidade em Ciências Jurídico-Políticas) — *vide* Anexo 22.

6.3. O pedido de admissão ao Pós-Doutoramento em 2021/2022 formulado por Flávia Piva Almeida Leite será votado na próxima reunião do Conselho Científico.

7. Ponto 6 da Ordem de Trabalhos (pós-graduações no âmbito do Projeto do PRR: Regulamento e distribuição de serviço docente)

7.1. O Presidente da Comissão Científica dos Estudos Pós-Graduados, Professor Paulo de Sousa Mendes, fez apresentação sintética do projeto de "Regulamento dos Cursos de Pós-Graduação Intensiva da Faculdade de Direito de Lisboa", bem como do "*Intensive Postgraduate Program — AI in legal practice and its regulation*" e do "*Intensive Postgraduate Program — New challenges in international justice and international arbitration*", salientando, no que respeita à distribuição de serviço docente nestes cursos, que dos mapas circulados pelos conselheiros só consta a indicação dos nomes dos docentes da Faculdade.

No que tange aos formadores externos à Faculdade, o Professor Paulo de Sousa Mendes deu conhecimento da sua identificação aos conselheiros e solicitou que o Conselho Científico conferisse mandato à Comissão Científica dos Estudos Pós-Graduados para efetuar os contactos e os convites pertinentes.

7.2. O projeto de "Regulamento dos Cursos de Pós-Graduação Intensiva da Faculdade de Direito de Lisboa" (Anexo 23) foi aprovado por maioria (registou-se uma abstenção).

7.3. O plano e a distribuição de serviço docente do "*Intensive Postgraduate Program – AI in legal practice and its regulation*" — que figuram, salvo quanto aos docentes externos à Faculdade, do Anexo 24 — foram aprovados por maioria (registou-se uma abstenção).

7.4. O plano e a distribuição de serviço docente do "*Intensive Postgraduate Program – New challenges in international justice and international arbitration*" — que figuram, salvo quanto aos docentes externos à Faculdade, do Anexo 25 —, foram aprovados por maioria (registou-se uma abstenção).

7.5. A Comissão Científica dos Estudos Pós-Graduados ficou mandatada para contactar e convidar os docentes daqueles cursos externos à Faculdade.

8. Ponto 7 da Ordem de Trabalhos (pós-graduações em parceria com a Universidade dos Açores: Regulamento e distribuição de serviço docente)

8.1. O Presidente da Comissão Científica dos Estudos Pós-Graduados, Professor Paulo de Sousa Mendes, fez apresentação sintética do projeto de "Regulamento dos Cursos de Pós-Graduação Lecionados em Associação entre a Universidade dos Açores e a Faculdade de Direito da Universidade de Lisboa", bem como das propostas de distribuição de serviço docente do "I Curso de Pós-Graduação em Direito da Responsabilidade", do "I Curso de Pós-Graduação em Ciências Jurídico-Forenses" e do "I Curso de Pós-Graduação em Direito Regional"; informou o Conselho Científico de que, em reunião futura, será submetida ao Conselho proposta de um Curso de Pós-Graduação nas áreas de Direito Económico e Finanças Públicas; e prestou os esclarecimentos que lhe foram pedidos pela Professora Ana Paula Dourado e pelo Professor João Espírito Santo.

8.2. O "Regulamento dos Cursos de Pós-Graduação Lecionados em Associação entre a Universidade dos Açores e a Faculdade de Direito da Universidade de Lisboa", constante do Anexo 26, foi aprovado por unanimidade.

8.3. A distribuição de serviço docente do "I Curso de Pós-Graduação em Direito da Responsabilidade", constante do Anexo 27, foi aprovada por maioria; houve uma abstenção.

8.4. A distribuição de serviço docente do "I Curso de Pós-Graduação em Ciências Jurídico-Forenses", constante do Anexo 28, foi aprovada por maioria; houve uma abstenção.

8.5. A distribuição de serviço docente do "I Curso de Pós-Graduação em Direito Regional", constante do Anexo 29, foi aprovada por maioria; houve uma abstenção.

8.6. Sob proposta do Presidente do Conselho Científico, o Professor Paulo de Sousa Mendes foi designado, por unanimidade, para integrar a "Comissão Científica dos Cursos PG – UAc|FDUL" a que se refere o art. 9.º do Regulamento dos Cursos de Pós-Graduação Lecionados em Associação entre a Universidade dos Açores e a Faculdade de Direito da Universidade de Lisboa.

9. Ponto 8 da Ordem de Trabalhos (ensino a distância: ponto da situação do projeto)

O Professor Paulo de Sousa Mendes informou o Conselho Científico das diligências tomadas e a tomar no procedimento de acreditação do Mestrado em Direito e Ciência Jurídica a distância e, designadamente, da aprovação da proposta de criação desse Curso pelo Senado da Universidade, em reunião ocorrida no dia 26 de outubro, e da necessidade de os docentes da Faculdade remeterem, urgentemente, as fichas curriculares aos serviços competentes.

10. Ponto 9 da Ordem de Trabalhos (Doutoramentos *honoris causa*)

10.1. O Presidente do Conselho Científico observou o seguinte:

a) no início do seu mandato propusera-se promover a atribuição de Doutoramentos *honoris causa* por iniciativa da Faculdade, mas tal ficou inviabilizado por virtude da pandemia;
b) a alteração das condições de saúde pública entretanto verificada permite, agora, avançar com propostas nesta matéria;
c) o último Doutoramento *honoris causa* atribuído por iniciativa da Faculdade foi já há alguns anos;
d) é do interesse da Faculdade, designadamente em vista do fortalecimento de relações com instituições estrangeiras, conceder Doutoramentos *honoris causa*;
e) a competência para atribuir Doutoramentos *honoris causa* é do Senhor Reitor, mas a iniciativa pertence ao Conselho Científico da Faculdade, desde que o faça mediante proposta fundamentada e aprovada por 2/3 dos seus membros.

10.2. Nesta sequência, e sob proposta do Presidente do Conselho Científico, foi deliberado, por unanimidade, que:

a) cada Grupo Científico refletirá, internamente e em diálogo com os outros Grupos, sobre propostas de Doutoramentos *honoris causa* a submeter ao Conselho Científico;
b) tais propostas — uma por cada Grupo Científico — deverão ser discutidas e aprovadas, com o maior consenso possível, no plenário de cada Grupo e posteriormente submetidas ao Conselho Científico.

11. Ponto 10 da Ordem de Trabalhos (pessoal docente)

11.1. O Conselho Científico deu, por unanimidade dos votos dos Professores Catedráticos, parecer favorável ao pedido de acumulação das funções do Professor Eduardo Vera-Cruz Pinto com as de docente no Curso de Direito da Universidade Europeia (Lisboa), durante o ano letivo de 2021/2022, desde que não haja prejuízo para o serviço docente na Faculdade.

11.2. O Conselho Científico deu, por unanimidade dos votos dos Professores Catedráticos, parecer favorável ao pedido de acumulação das funções da Professora Maria João Estorninho com as de docente na Faculdade de Direito da Universidade Católica (Lisboa), durante o primeiro semestre do ano letivo de 2021/2022, desde que não haja prejuízo para o serviço docente na Faculdade.

11.3. O Conselho Científico deu, por unanimidade dos votos dos Professores Catedráticos, parecer favorável ao pedido de acumulação das funções do Professor Vasco Pereira da Silva com as de docente na Faculdade de Direito da Universidade Católica (Lisboa), durante o primeiro semestre do ano letivo de 2021/2022, desde que não haja prejuízo para o serviço docente na Faculdade.

11.4. Após troca de impressões entre os Professores Dário Moura Vicente, Margarida Salema d'Oliveira Martins, David Duarte, Maria do Rosário Palma Ramalho, Jorge Duarte Pinheiro, Ana Paula Dourado, Miguel Teixeira de Sousa e Fernando Loureiro Bastos, o Conselho Científico deu, por maioria dos votos dos Professores Catedráticos e Associados (registaram-se três votos contra e duas abstenções), parecer favorável à indicação do Professor Luís Pereira Coutinho para, ao abrigo do Protoloco entre a Faculdade e a Academia Militar, lecionar, nesta instituição, a disciplina de Ciência Política e Direito Constitucional I durante o primeiro semestre do ano letivo de 2021/2022.

11.5. A propósito do pedido de licença sabática apresentado pela Professora Margarida Silva Pereira para o segundo semestre do ano letivo de 2021/2022, suscitou-se debate sobre o mesmo e outros assuntos relativos a licenças sabáticas — em que intervieram os Professores Ana Paula Dourado, Jorge Duarte Pinheiro, Daniel Morais, Maria do Rosário Palma Ramalho, Miguel Teixeira de Sousa, David Duarte e Dário Moura Vicente.

Na sequência de sugestão da Professora Ana Paula Dourado sobre a generalidade dos pedidos de licença sabática, o Professor Jorge Duarte Pinheiro interveio para solicitar informação sobre a obrigação de apresentar ao Conselho Científico os resultados do trabalho realizado no âmbito das licenças, informação que foi prestada pelo Presidente do Conselho Científico.

Especificamente sobre o pedido de licença que suscitou o debate, atentas as dúvidas geradas pela redação do art. 77.º, n.os 1 a 3, do ECDU, ficou estabelecido que

será solicitado, aos serviços jurídicos da Reitoria, esclarecimento escrito sobre a interpretação de tais preceitos e que, uma vez obtido tal esclarecimento, o Conselho Científico retomará esta matéria, pronunciando-se então sobre o referido pedido de licença sabática.

11.6. Foi apreciado o pedido de manutenção do contrato por tempo indeterminado apresentado, nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa, pelo Professor Francisco Paes Marques. Atentos os pareceres favoráveis à nomeação definitiva emitidos pela Professora Maria João Estorninho e pelo Professor Vasco Pereira da Silva e o desempenho científico, académico e pedagógico do Professor Francisco Paes Marques, a manutenção do contrato por tempo indeterminado foi votada favoravelmente por cada um dos Conselheiros presentes com direito de voto.

11.7. Foi apreciado o pedido de manutenção do contrato por tempo indeterminado apresentado, nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa, pelo Professor Vitalino Canas — que esteve ausente da reunião durante a discussão do Ponto 10 da Ordem de Trabalhos. Atentos os pareceres favoráveis à nomeação definitiva emitidos pelos Professores Vasco Pereira da Silva e Carlos Blanco de Morais e o desempenho científico, académico e pedagógico do Professor Vitalino Canas, a manutenção do contrato por tempo indeterminado foi votada favoravelmente por cada um dos Conselheiros presentes com direito de voto.

11.8. Foi apreciado o pedido de manutenção do contrato por tempo indeterminado apresentado, nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa, pelo Professor José Alves de Brito. Atento o parecer favorável à nomeação definitiva subscrito pelos Professores Miguel Teixeira de Sousa e Pedro Romano Martinez e o desempenho científico, académico e pedagógico do Professor José Alves de Brito, a manutenção do contrato por tempo indeterminado foi votada favoravelmente por cada um dos Conselheiros presentes com direito de voto.

11.9. Foi apreciado o pedido de manutenção do contrato por tempo indeterminado apresentado, nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa, pelo Professor João Gomes de Almeida. Atento o parecer favorável à nomeação definitiva subscrito pelos Professores Miguel Teixeira de Sousa e Pedro Romano Martinez e o desempenho científico, académico e pedagógico do Professor João Gomes de Almeida, a manutenção do contrato por tempo indeterminado foi votada favoravelmente por cada um dos Conselheiros presentes com direito de voto.

11.10. Pelo Presidente do Conselho Científico foi dado conhecimento de que a Professora Mafalda Carmona requerera a manutenção do contrato por tempo indeterminado nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa. Para elaboração do parecer relativo ao período experimental da Professora Mafalda Carmona, o Conselho Científico designou os Professores Paulo Otero e Vasco Pereira da Silva.

11.11. Pelo Presidente do Conselho Científico foi dado conhecimento de que o Professor Pedro Fernández Sánchez requerera a manutenção do contrato por tempo indeterminado nos termos do art. 25.º do ECDU e do art. 35.º do Regulamento de Concursos e Contratação na Carreira Docente da Universidade de Lisboa. Para elaboração do parecer relativo ao período experimental do Professor Pedro Fernández Sánchez, o Conselho Científico designou a Professora Maria João Estorninho e o Professor Carlos Blanco de Morais.

12. Ponto 11 da Ordem de Trabalhos (Centro de Arbitragem e de Resolução de Litígios)

12.1. A Presidente do Centro de Arbitragem e de Resolução de Litígios, Professora Elsa Dias Oliveira, apresentou sinteticamente o "Protocolo de Cooperação entre a Faculdade de Direito da Universidade de Lisboa e a Câmara de Comércio, Agricultura, Indústria e Serviços de São Tomé e Príncipe", bem como o "Programa de Formação" em matéria de arbitragem que terá lugar, em janeiro de 2022, no quadro daquele Protocolo — ambos os documentos tinham sido previamente distribuídos pelos membros do Conselho Científico.

12.2. Postos à votação o "Protocolo de Cooperação entre a Faculdade de Direito da Universidade de Lisboa e a Câmara de Comércio, Agricultura, Indústria e Serviços de São Tomé e Príncipe" e o "Programa de Formação", foram os mesmos aprovados por unanimidade.

13. Ponto 12 da Ordem de Trabalhos (cooperação)

13.1. O Presidente do Instituto de Cooperação Jurídica, Professor Fernando Loureiro Bastos:

a) informou o Conselho Científico de que fora publicado o livro comemorativo dos 30 anos da cooperação com a Faculdade de Direito de Bissau;
b) deu nota de que lhe competira fazer o encerramento da conferência internacional que nesta semana decorreu em Luanda, sobre o tema da consolidação do Estado de Direito nos PALOP e em Timor-Leste e da qual foi anfitrião o Ministro da Justiça e dos Direitos Humanos de Angola;
c) deu conta dos resultados, em matéria de cooperação, de um encontro recente entre si e o Decano da Faculdade de Direito da Universidade Agostinho Neto;
d) salientou a importância de tomar e desenvolver iniciativas em ordem a intensificar a cooperação com a Faculdade de Direito da Universidade Agostinho Neto.

13.2. O Presidente do Conselho Científico informou os conselheiros a respeito do documento (previamente distribuído) intitulado "Acordo de cooperação que entre si celebram a Comissão de Defesa dos Direitos Fundamentais – CNMP [Conselho Nacional do Ministério Público do Brasil] e a Faculdade de Direito da Universidade de Lisboa", observando, designadamente, que o mesmo tem a anuência da Professora Paula Costa e Silva, Presidente do Instituto de Direito Brasileiro.

13.3. O "Acordo de cooperação que entre si celebram a Comissão de Defesa dos Direitos Fundamentais – CNMP e a Faculdade de Direito da Universidade de Lisboa" foi aprovado por unanimidade.

14. Ponto 13 da Ordem de Trabalhos (Erasmus e Relações Internacionais)

14.1. O Presidente do Gabinete Erasmus e de Relações Internacionais, Professor Vasco Pereira da Silva, deu nota da apresentação e da prévia distribuição aos conselheiros do relatório do Gabinete Erasmus e de Relações Internacionais relativo ao ano letivo de 2020/2021 (Anexo 30), registando sobretudo que, nesse período, a atividade de relações internacionais da Faculdade se manteve praticamente intacta apesar da pandemia, circunstância esta que, em si mesma, representa um sucesso.

14.2. O Professor Vasco Pereira da Silva transmitiu ao Conselho Científico que, neste semestre letivo, se irá repetir o programa visando a realização de estudos comparativos, por alunos da licenciatura da Faculdade e estudantes americanos da *Lincoln Memorial University - Duncan School of Law*, na área do Direito

Administrativo, da Justiça Administrativa e do Direito do Ambiente (*Lincoln – ELPIS – FDUL Online students research exchange*).

14.3. O Presidente do Gabinete Erasmus e de Relações Internacionais recordou ainda a realização, no próximo mês de dezembro, em Friburgo, da reunião anual do Grupo *ELPIS*, que incluirá uma sessão especial de homenagem ao Professor Hilmar Fenge, a ser transmitida *online*.

15. Ponto 14 da Ordem de Trabalhos (outros assuntos)

Nada foi referido ou apreciado no âmbito deste ponto da Ordem de Trabalhos.

16. Encerramento

O Presidente do Conselho Científico deu por encerrada a sessão pelas 18:25.

O Presidente do Conselho Científico

Assinado por : **Dário Manuel Lentz de Moura Vicente**
Num. de Identificação: 06083078

(Professor Dário Moura Vicente)

O Secretário do Conselho Científico

Nuno Andrade Pissarra
Assinado de forma digital por Nuno Andrade Pissarra
Dados: 2021.12.21 09:32:20 Z

(Professor Nuno Andrade Pissarra)

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Alteração de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO PENAL E CIÊNCIAS CRIMINAIS

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Júri Inicial	Novo Júri
Nome: Marcilândia de Fátima Araújo N.º: 29203 56268 Data de Entrega: 21/11/2019	"Reflexões sobre a implementação do Confisco Alargado no Direito Brasileiro"	Prof(a). Doutor(a) Rui Soares Pereira	Prof(a). Doutor(a) Maria Fernanda Palma (P) Paulo de Sousa Mendes (V) **Inês Ferreira Leite (A)*** Rui Soares Pereira (O)	Prof(a). Doutor(a) Maria Fernanda Palma (P) Paulo de Sousa Mendes (A) Sílvia Alves (V) Rui Soares Pereira (O)

*Substituição de Professor Arguente.

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Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO FINANCEIRO E ECONÓMICO GLOBAL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Yu Chen N.º: 60437 Data de Entrega: 12-10-2021	"Acordo Económico e Comercial entre os EUA e a China: Anatomia da Perspetiva do Direito da OMC"	Prof. Doutor Pedro Infante Mota	Prof. Doutor José Renato Gonçalves (Presidente) Prof. Doutor Miguel Moura e Silva (Arguente) Prof. Doutor Pedro Infante Mota (Orientador) Prof.ª Doutora Ana Soares Pinto

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM TEORIA DO DIREITO

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Mario Luis Mantovani Junior N.º: 59018 Data de Entrega: 29-07-2021	"Movimento do direito livre"	Prof.ª. Doutora Isabel Graes	Prof. Doutor Eduardo Vera-Cruz Pinto (Pres.) Prof. Doutor Miguel Romão (Vog.) Prof. Doutor Jorge Silva Santos (Arg.) Prof. Doutor João Pedro Marchante (Vog.)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM HISTÓRIA DO DIREITO

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Armando Dantas do Nascimento Júnior N.º: 59273 Data de Entrega: 04-10-2021	"Perspectiva histórico-jurídica da Justiça Eleitoral no Brasil e em Portugal (Uma análise jus-comparativa)"	Prof.ª Doutora Isabel Graes	Prof. Doutor Pedro Barbas Homem (Pres.) Prof.ª Doutora Susana Videira (Vog.) Prof.ª Doutora Ana Caldeira Fouto (Arg.) Prof. Doutor Pedro Fernández Sánchez (Vog.)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Mario Henrique Mazza N.º: 60415 Data de Entrega: 27-10-2021	"O direito ao esquecimento na era digital"	Prof(a). Doutor(a) Maria Luísa Duarte	Prof(a). Doutor(a) José Alberto Vieira (arguente/presidente) Maria Luísa Duarte (orientadora) Barreto Menezes Cordeiro (vogal) Ana Isabel Fouto

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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Mapa de Constituição de Júri

MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Adelina Noloti Chissaluquila N.º: 29366 56445 Data de Entrega: 20-07-2021	"Dano Biológico – Possibilidade de sua Adopção em Angola"	Prof(a). Doutor(a) Rui Ataíde	Prof(a). Doutor(a) Luís Menezes Leitão (presidente) Rui Ataíde (vogal) Catarina Monteiro Pires (arguente) Pedro Lomba (vogal)
Nome: Leonardo Castro De Bone N.º: 59921 Data de Entrega: 01-09-2021	"A GESTAÇÃO DE SUBSTITUIÇÃO: Do Acordo de Vontades à Solução dos Problemas Jurídicos que Suscita"	Prof(a). Doutor(a) Carlos Adelino Campelo de Andrade Pamplona Côrte-Real	Prof(a). Doutor(a) Jorge Duarte Pinheiro (presidente) Carlos Adelino Campelo de Andrade Pamplona Côrte-Real (orientador) Margarida Silva Pereira (arguente) Ana Soares Pinto (vogal)
Nome: Carolina Martins Medina N.º: 60532 Data de Entrega: 06/10/2021	"Mediação pública familiar em uma perspectiva luso-brasileira"	Prof(a). Doutor(a) Luís Lima Pinheiro	Prof(a). Doutor(a) Luís Lima Pinheiro (orientador) Jorge Duarte Pinheiro (presidente) Elsa Dias Oliveira (arguente) Ricardo Branco (vogal)

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MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO COMERCIAL INTERNACIONAL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Moisés Souza dos Santos Filho N.º: 61492 Data de Entrega: 20-07-2021	"Arbitragem Internacional na Sucessão Testamentária"	Prof(a). Doutor(a) Margarida Silva Pereira **Co-Orientadora:** Catarina Matos Salgado	Prof(a). Doutor(a) Dário Moura Vicente (presidente) Margarida Silva Pereira (orientadora) Elsa Dias Oliveira (arguente) Ana Rita Gil (vogal)
Nome: Dixian Chen N.º: 60493 Data de Entrega: 27-07-2021	"Alteração de Circunstâncias no Direito Comparado: numa Perspetiva da Reforma do Código Civil Chinês"	Prof(a). Doutor(a) Dario Moura Vicente	Prof(a). Doutor(a) Dario Moura Vicente (orientador) Guilherme Dray (arguente/presidente) Cláudia Madaleno (vogal) Ana Gouveia Martins (vogal)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-INTERNACIONAIS

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Bianca Cartágenes Saraiva N.º: 59809 Data de Entrega: 29-10-2021	"A MARGEM DE APRECIAÇÃO DOS ESTADOS NO DIREITO INTERNACIONAL DOS DIREITOS HUMANOS E A PROTEÇÃO MÍNIMA"	Prof(a). Doutor(a) Ana Soares Pinto	Prof(a). Doutor(a) Prof. Loureiro Bastos (Pres) Prof. Ricardo Branco (Arg) Prof. Ana Fouto

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITOS FUNDAMENTAIS

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Antonio Lisboa de Castro Viana Junior N.º: 56330 Data de Entrega: 19-07-2021	"O Ministério Público e a Proteção dos Direitos Humanos. Estudo comparado em países de língua portuguesa."	Prof(a). Doutor(a) Rui Guerra Da Fonseca	Prof(a). Doutor(a) Fernando Loureiro Bastos (pres) Miguel Prata Roque (arg) Ana Perestrelo de Oliveira (vog)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E CIÊNCIA JURÍDICA ESPECIALIDADE EM DIREITO ADMINISTRATIVO

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Pedro Miguel Vieira Estevão N.º: 23387 49013 Data de Entrega: 04-08-2021	"A configuração do princípio da igualdade enquanto parâmetro de controlo da constitucionalidade"	Prof(a). Doutor(a) Jorge Reis Novais	Prof(a). Doutor(a) Maria José Rangel Mesquita (Pres) Pedro Moniz Lopes (arg) Luís Gonçalves da Silva (vog)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO PENAL

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Novo Prof.(a) Orientador(a)	Novo Júri
Nome: Joana Margarida Alves Queijo N.º: 57977 Data de Entrega: 26-10-2020	"Grooming Online - A problemática do Aliciamento de Menores para fins sexuais"	Prof(a). Doutor(a) **Francisco Aguilar ***	Prof(a). Doutor(a) Helena Morão	Prof(a). Doutor(a) Paulo de Sousa Mendes (P) Teresa Quintela de Brito (A) Helena Morão (O)

*Alteração de Professor Orientador.

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE DE CIÊNCIAS JURÍDICO-FORENSES

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Novo Prof.(a) Orientador(a)	Novo Júri
Nome: Ana Raquel da Silva Ferreira N.º: 60319 Data de Entrega: 12-10-2020	"Da valoração dos conhecimentos fortuitos nas escutas telefónicas"	Prof(a). Doutor(a) **Francisco Aguilar ***	Prof(a). Doutor(a) Helena Morão	Prof(a). Doutor(a) Paulo de Sousa Mendes (P) Miguel Prata Roque (A) Helena Morão (O)

*Alteração de Professor Orientador.

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Mapa de Alteração de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO PENAL

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Júri Inicial	Novo Júri
Nome: Silvana Patt da Silva Pinto N.º: 57860 Data de Entrega: 07/05/2020	"Stalking"	Prof(a). Doutor(a) Teresa Quintela de Brito	Prof(a). Doutor(a) Maria Fernanda Palma (P) **Inês Ferreira Leite (A)*** Teresa Quintela de Brito (O)	Prof(a). Doutor(a) Maria Fernanda Palma (P) Teresa Quintela de Brito (O) Helena Morão (A)

*Substituição de Professor Arguente.

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE DE DIREITO PENAL

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Novo Prof.(a) Orientador(a)	Novo Júri
Nome: Duarte Domingos Moura de Sousa N.º: 57980 Data de Entrega: 10-09-2020	"Da (I)legitimidade dos Drones no Processo Penal"	Prof(a). Doutor(a) **Francisco Aguilar ***	Prof(a). Doutor(a) Helena Morão	Prof(a). Doutor(a) Paulo de Sousa Mendes (P) Miguel Prata Roque (A) Helena Morão (V)

*Alteração de Professor Orientador.

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Mapa de Alteração de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO PENAL

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Júri Inicial	Novo Júri
Nome: Amadeu Fernando Monjamba N.º: 59760 Data de Entrega: 30/07/2020	"Sobre a legitimidade do Direito Penal na violação da obrigação de alimentos"	Prof(a). Doutor(a) Paulo de Sousa Mendes	Prof(a). Doutor(a) Paulo de Sousa Mendes (O) **Jorge Duarte Pinheiro (P)*** Teresa Quintela de Brito (A)	Prof(a). Doutor(a) Maria José Rangel Mesquita (P) Paulo de Sousa Mendes (O) Teresa Quintela de Brito (A)

*Substituição de Presidente.

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO FINANCEIRO E FISCAL

Candidato(a)	Título da Dissertação	Prof.(a) Orientador(a)	Novo Prof.(a) Orientador(a)	Novo Júri
Nome: Isabel Danieli Nardon Siciliana N.º: 57817 Data de Entrega: 28-12-2020	"TAX COMPLIANCE e a AÇÃO 12 do BEPS: Instrumentos para promoção da Responsabilidade Social Empresarial e da Ética Tributária"	Prof(a). Doutor(a) **Gustavo Courinha***	Prof(a). Doutor(a) Carlos Lobo	Prof(a). Doutor(a) Prof.ª Doutora Ana Paula Dourado(P) Prof. Doutor Carlos Lobo (O) Prof.ª Doutora Rute Saraiva (A)

*Alteração de Professor Orientador.

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Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Teresa Maria Teixeira Rodrigues N.º: 62067 Data de Entrega: 08-10-2021	"Os direitos de personalidade das figuras públicas e os meios de comunicação"	Prof(a). Doutor(a) Maria Raquel Rei	Prof(a). Doutor(a) Prof. Doutor Pedro de Albuquerque (presidente) Prof. Doutor Diogo Costa Gonçalves (arguente) Maria Raquel Rei (orientadora)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO DA EMPRESA

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Nelson Irineu Fançony Santos N.º: 60355 Data de Entrega: 13-10-2021	"Liberdade Religiosa no Mercado de Trabalho"	Prof(a). Doutor(a) Guilherme Machado Dray	Prof(a). Doutor(a) Rosário Palma Ramalho (presidente) Sónia Santos Viana (arguente) Guilherme Machado Dray (orientador)
Nome: Victorina Viana António Cuanga N.º: 59759 Data de Entrega: 22-10-2021	"Deliberações do Conselho de Administração e sua impugnação á luz da Lei das Sociedades Comerciais Angolana"	Prof(a). Doutor(a) António Barreto Menezes Cordeiro	Prof(a). Doutor(a) Ana Perestrelo Oliveira (arguente/presidente) António Barreto Menezes Cordeiro (orientador) Diogo Pereira Duarte (vogal)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO CIVIL

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Vanessa Alexandra Assunção Manso N.º: 29279 56133 Data de Entrega: 02-08-2021	"A Responsabilidade Civil do Médico por falta de Consentimento Informado"	Prof(a). Doutor(a) Rui Ataíde	Prof(a). Doutor(a) José Luís Bonifácio Ramos (presidente) Maria de Lurdes Pereira (arguente) Rui Ataíde (orientador)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

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MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO DA EMPRESA

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Vanessa Filipa Taborda Oliveira N.º: 50327 Data de Entrega: 27-07-2021	"Negócios consigo mesmo - as diferenças de regime nas sociedades anónimas e nas sociedades por quotas"	Prof(a). Doutor(a) Ana Perestrelo de Oliveira	Prof(a). Doutor(a) Ana Perestrelo de Oliveira (orientadora) João Espírito Santo (presidente/arguente) João de Oliveira Geraldes (vogal)
Nome: Ruben Daniel Fernandes Gonçalves N.º: 62060 Data de Entrega: 01-09-2021	"A insolvência nas sociedades anónimas desportivas"	Prof(a). Doutor(a) Pedro Madeira Brito	Prof(a). Doutor(a) Januário da Costa Gomes (presidente) Pedro Madeira Brito (orientador) David Festas (arguente)
Nome: Sofia Inês Videira Gomes N.º: 49702 Data de Entrega: 03-09-2021	"Perturbações ao Cumprimento de Smart Contracts"	Prof(a). Doutor(a) Rui Soares Pereira	Prof(a). Doutor(a) Rui Ataíde (presidente) Maria de Lurdes Pereira (arguente) Rui Soares Pereira (orientador)

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

Nome: Christiano Oliveira de Aguiar Santos N.º: 59620 Data de Entrega: 10-09-2021	"Third-Party funding e Revelação do Financiamento por Terceiros na Arbitragem"	Prof(a). Doutor(a) Rui Soares Pereira	Prof(a). Doutor(a) Elsa Dias Oliveira (Arguente) Rui Soares Pereira (orientador) João Marques Martins (vogal)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM CIÊNCIAS JURÍDICO-FORENSES

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Maria Carlota Garrido Spínola N.º: 52782 Data de Entrega: 01-10-2021	"Poderes do juiz na alteração da decisão de facto"	Prof(a). Doutor(a) João Marques Martins	Prof(a). Doutor(a) José Luís Bonifácio Ramos (presidente) Rui Pinto (arguente) João Marques Martins (orientador)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO ADMINISTRATIVO E ADMINISTRAÇÃO PÚBLICA

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Ana Rita Marques Ramalho N.º: 52593 Data de Entrega: 26-10-2021	"A Utilização Privativa de Bens do Domínio Público"	Prof(a). Doutor(a) João Miranda	Prof(a). Doutor(a) Presidente: Prof. Doutor David Duarte Arg. Prof. Miguel Raimundo (arg) Prof Barreto Menezes Cordeiro

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO DO AMBIENTE DOS RECURSOS NATURAIS E DA ENERGIA

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Raquel da Silva Ferreira N.º: 52753 Data de Entrega: 29-09-2021	"Responsabilidade Contraordenacional Ambiental"	Prof(a). Doutor(a) Paulo de Sousa Mendes	Prof(a). Doutor(a) Carla Gomes (Pres) Claudio Monteiro Heloísa Oliveira (Arg)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

Mapa de Constituição de Júri

MESTRADO EM DIREITO E PRÁTICA JURÍDICA ESPECIALIDADE EM DIREITO INTERNACIONAL E RELAÇÕES INTERNACIONAIS

Candidato	Título da Dissertação	Orientador	Júri/Função*
Nome: Yanira Samantha Gomes Fernandes N.º: 29125 56090 Data de Entrega: 16-08-2021	"O enquadramento jurídico internacional do direito de participação política das mulheres na Guiné-Bissau"	Prof(a). Doutor(a) Ana Soares Pinto	Prof(a). Doutor(a) Jorge Reis Novais (Pres) Sandra Lopes Luís (Arg)
Nome: Shiyue Lu N.º: 62296 Data de Entrega: 23-08-202	"A Imunidade Jurisdicional dos Estados: Reflexões sobre as Questões Relevantes"	Prof(a). Doutor(a) Fernando Loureiro Bastos	Prof(a). Doutor(a) Maria Luísa Duarte (Pres) Ana Rita Gil (Arg)
Nome: Nique Lauda Mendes Cabral N.º: 55840 Data de Entrega: 27-08-2021	"A Extensão da Plataforma Continental além das 200 Milhas Marítimas: o caso de Cabo Verde"	Prof(a). Doutor(a) Fernando Loureiro Bastos	Prof(a). Doutor(a) Lourenço de Freitas (Pres) Ana Soares Pinto (Arg)

*Indicar a função do elemento do júri (Presidente, Arguente, Orientador e/ou Vogal).

FACULDADE DE DIREITO
Universidade de Lisboa

Constituição de Júri de Doutoramento em Direito

Nome	Especialidade	Orientador	Título	Júri
Martinho da Cruz Nombo	Ciências Histórico-Jurídicas	Eduardo Vera-Cruz Pinto	A Recepção do Direito Internacional Público pelo Constitucionalismo Angolano – Uma Perspetiva Histórico-Jurídica	Prof.ª Doutora Patrícia Mendes Jerónimo (Uni. Minho) Prof. Doutor Carlos Feijó (Uni. Agostinho Neto) Prof. Doutor Rui Guerra da Fonseca Prof. Doutor Pedro Caridade Freitas Prof.ª Doutora Susana Antas Videira Branco

Cidade Universitária, Alameda da Universidade, 1649-014 Lisboa
Tel.: + (351) 217 984 600 – Fax: + (351) 217 984 603 – www.fd.ulisboa.pt

FACULDADE DE DIREITO
Universidade de Lisboa

Constituição de Júri de Doutoramento em Direito – Direito Fiscal

Nome	Especialidade	Orientador	Data de Entrega	Título	Júri
Anderson Furlan Freire da Silva	Ciências Jurídico-Económicas (Integração Curricular: Direito Fiscal)	Prof. Doutor Fernando Araújo	04/10/2021	Tributos Ambientais na Federação Brasileira: Uma Proposta de Optimização	Prof. Doutor Rui Duarte Morais (Universidade Católica Portuguesa – Porto) Prof. Doutor João Sérgio Ribeiro (Escola de Direito da Universidade do Minho) Prof. Doutor Eduardo Paz Ferreira Prof. Doutor Fernando Correia de Araújo (Orientador) Prof.ª Doutora Maria João Estorninho Prof.ª Doutora Ana Paula Dourado

Cidade Universitária, Alameda da Universidade, 1649-014 Lisboa
Tel.: + (351) 217 984 600 – Fax: + (351) 217 984 603 – www.fd.ulisboa.pt

FACULDADE DE DIREITO
Universidade de Lisboa

Constituição de Júri de Doutoramento em Direito – Ciências Jurídico-Políticas

Nome	Especialidade	Orientador	Título	Júri
Fátima Vieira Henriques (N.º 27386)	Ciências Jurídico-Políticas	Professora Doutora Ana Gouveia Martins	Estratégias de Prevenção à Corrupção nas Licitações e Contratações Públicas	Prof. Doutor Pedro Gonçalves (FDUC) Prof.ª Doutora Marta Portocarrero (FD Un Católica do Porto) Prof.ª Doutora Maria João Estorninho Prof.ª Doutora Ana Gouveia Martins Prof. Doutor Pedro Sánchez Prof. Doutor Rui Ataíde

Cidade Universitária, Alameda da Universidade, 1649-014 Lisboa
Tel.: + (351) 217 984 600 – Fax: + (351) 217 984 603 – www.fd.ulisboa.pt

ADRIANA NOEMI PUCCI
SOCIEDADE DE ADVOGADOS

São Paulo, 10 de novembro de 2021

À

UNIVERSIDADE DE LISBOA

FACULDADE DE DIREITO

CONSELHO CIENTÍFICO

Re. Solicitação de prorroga do prazo de entrega do trabalho de Pós-Doutoramento

Prezados Senhores,

Adriana Noemi Pucci, admitida no curso de Pós-Doutoramento da Faculdade de Direito da Universidade de Lisboa, vem, pela presente, requerer ao **Conselho Científico** o quanto segue:

A que subscreve foi admitida no curso de Pós-Doutoramento em dezembro de 2019, sob orientação do **Prof. Dr. Dário Moura Vicente**.

Infelizmente, em razão da pandemia, não será possível entregar o trabalho dentro do prazo regulamentar.

Por tal motivo, solicita ao **Conselho Científico**, a prorrogação do prazo de entrega do trabalho de Pós-Doutoramento pelo período adicional de **um semestre**.

O presente requerimento fundamenta-se no artigo 10º do Despacho nº 8672/2021, solicitando-se, ademais, a aplicação, por analogia, da alínea 3 do artigo 52º do Despacho nº 8673/2021.

Sem mais, subscrevo-me

Atenciosamente,

Adriana Noemi Pucci

Rua Fiandeiras, 306/111, Vila Olimpia | CEP 04545-001 | São Paulo-SP | Brasil
www.pucci.adv.br | secretaria@pucci.adv.br | tel. 55 11 3473-5888 | fax: 55 11 3473-5111
CNPJ: 15.536.148/0001-12 | OAB-SP Nº 13893 | C.C.M: 4.526.966-1

FACULDADE DE DIREITO
Universidade de Lisboa

Admissão ao Pós-Doutoramento em Direito 2021/2022

Nome	Especialidade	Orientador	Título	Carta de Aceitação
Ana Luiza Barreto de Andrade Fernandes Nery	Especialidade Em Ciências Jurídico-Civis	Paula Costa e Silva	Impugnação Judicial Da Sentença Arbitral	Sim
Edvaldo Nilo de Almeida	Especialidade Em Ciências Jurídico-Políticas	Eduardo Correia Baptista	Jurisdição Constitucional E Políticas Públicas: Aplicação Do Postulado Da Reserva De Administração Pública Nos Poderes De Tomada De Decisão E Execução De Políticas Públicas.	Sim
Gustavo Bohrer Paim	Especialidade Em Ciências Jurídico-Políticas	Carlos Blanco de Morais Coorientador: Jorge Miranda	Plano De Estudos: Democracia, Princípio Representativo E Os Sistemas Eleitorais Em Portugal E No Brasil	Sim
Robertônio Santos Pessoa	Especialidade Em Ciências Jurídico-Políticas	Paulo Otero	Consolidação E Autonomização Do Campo Da Gestão Público-Privada De Serviços Públicos E Seus Impactos No Estado Democrático E No Direito Administrativo	Sim

REGULAMENTO DOS CURSOS DE PÓS-GRADUAÇÃO INTENSIVA DA FACULDADE DE DIREITO DE LISBOA

Preâmbulo

A Universidade de Lisboa solicitou a todas as Faculdades a formulação de propostas para programas a financiar no âmbito do Plano de Recuperação e Resiliência. Na sequência da solicitação, a Faculdade de Direito da Universidade de Lisboa (FDUL) propõe a criação de uma Pós-Graduação Intensiva (adiante PGI), que confira uma elevada especialização em temas jurídicos transversais, não regionais, que permitam aos estudantes tomarem parte no debate científico internacional.

A PGI tem uma estrutura distinta da demais formação pós-graduada oferecida pela FDUL. Destacam-se as seguintes diferenças: *(i)* número limitado de estudantes, que se estima não superior a 20 estudantes, por programa; *(ii)* formação intensiva, com elevada carga horária semanal de aulas, que deverá ser de 15 a 20 horas por semana, a repartir entre aulas presenciais e realização de trabalhos e projetos ou investigação orientada pelo regente da unidade curricular; *(iii)* composição modular dos programas (duas unidades curriculares por módulo), permitindo-se aos estudantes a personalização do respetivo programa através da escolha dos módulos de cada especialidade que pretende frequentar; *(iv)* concentração da lecionação e avaliação de cada unidade curricular em três semanas, durante as quais o estudante se dedicará exclusivamente a esta unidade curricular; *(v)* corpo docente composto por professores da FDUL, mas também por professores de outras universidades nacionais e estrangeiras, assim como por especialistas não doutorados com reconhecida experiência profissional, de preferência escolhidos de entre os *alumni* de prestígio da FDUL; *(vi)* lecionação integralmente em língua inglesa.

Assim, aprova-se, para valer como Regulamento da PGI da FDUL, o seguinte:

Artigo 1.º
Objeto

O presente regulamento tem por objeto a Pós-Graduação Intensiva (PGI) lecionada pela Faculdade de Direito da Universidade de Lisboa (adiante FDUL).

Artigo 2.º

Acesso

Podem candidatar-se à PGI os titulares de grau de licenciado ou superior.

Artigo 3.º

Vagas

1 — Em cada ano letivo, são disponibilizadas até 20 vagas por cada programa da PGI.

2 — O número de vagas é divulgado no sítio da *Internet* da FDUL.

Artigo 4.º

Normas de candidatura

1 — As candidaturas à PGI são apresentadas no prazo definido por despacho do Diretor, a publicar no sítio da FDUL.

2 — Os candidatos juntam no ato de candidatura os seguintes documentos:

a) Certidão do grau académico;

b) Currículo escolar, científico ou profissional, com cópia dos documentos a que façam referência;

c) Carta de candidatura à frequência do ciclo de estudos, se aplicável;

d) Todos os demais documentos que forem exigidos pelos serviços competentes.

3 — Os documentos, nacionais ou estrangeiros, devem ser originais e obedecer às formalidades legalmente exigidas. Aquando da candidatura, é admitida, a título provisório, a entrega de documentos digitalizados.

Artigo 5.º

Apreciação das candidaturas

1 — Os critérios que regem a apreciação das candidaturas são definidos pelo Professor Coordenador dos Estudos Pós-Graduados.

2 — Os critérios atribuem relevância ao currículo escolar, científico e profissional do candidato.

Artigo 6.º

Matrícula

1 — O Diretor fixa, em cada ano letivo, as datas para a efetivação das matrículas, bem como eventuais prorrogações do prazo para o efeito.

2 — Os candidatos admitidos que necessitem de obter o reconhecimento de graus académicos ou por universidades estrangeiras só podem matricular-se após a instrução do respetivo processo junto dos serviços competentes.

3 — Pode ser emitida antes da matrícula uma carta de aceitação aos candidatos admitidos que façam prova da verificação das condições de acesso nos termos do presente regulamento.

4 — São admitidas as matrículas na PGI sob condição da conclusão da licenciatura até 15 de outubro do ano letivo em causa.

Artigo 7.º

Estrutura curricular e plano de estudos

1 — Cada programa da PGI é composto por, pelo menos, quatro módulos, dois por semestre, contendo cada módulo duas unidades curriculares.

2 — Em cada unidade curricular há um tempo letivo com a duração de 15 horas semanais, distribuídas pelos dias úteis da semana ou pela tarde de sexta-feira e o dia de sábado.

3 — O programa e a bibliografia de cada unidade curricular são definidos pelo regente e divulgados no sítio da *Internet* da FDUL, com observância dos seguintes calendários:

a) Antes da abertura das candidaturas, através de uma indicação sumária;

b) Antes do início de cada semestre, através de uma indicação completa.

4 — A estrutura curricular e o plano de estudos da parte curricular de cada programa da PGI consta de anexo ao presente regulamento.

5 — Os estudantes podem personalizar a parte curricular do programa da PGI que frequentam, designadamente compondo-o com módulos dos diferentes programas de PGI.

6 — Pode ser admitida a frequência de módulos isolados da PGI.

Artigo 8.º

Duração dos programas e créditos

1 — A PGI tem a duração de dois semestres.

2 — A conclusão da PGI com aproveitamento confere a obtenção de 60 créditos (ECTS).

Artigo 9.º

Idioma de lecionação

As unidades curriculares são lecionadas em língua inglesa.

Artigo 10.º

Docentes

1 — A regência é assegurada por docentes cujo currículo académico e/ou profissional evidencie um elevado grau de especialização nas matérias lecionadas nas unidades curriculares sob a sua regência.

2 — O corpo docente é composto por professores da FDUL, mas também por professores de outras universidades nacionais e estrangeiras, assim como por especialistas não doutorados com reconhecida experiência profissional, de preferência escolhidos de entre os *alumni* de prestígio da FDUL.

Artigo 11.º

Modalidade de Ensino

1 — A frequência das aulas é obrigatória, podendo ser instituído controlo de assiduidade dos estudantes.

2 — A frequência das aulas pode cumprir-se presencialmente ou por meios telemáticos.

2 — Salvo no caso de maternidade, em que é aplicável o regime legal vigente, a falta de um número de aulas superior a um terço das previstas para cada módulo curricular importa a perda de frequência e consequente reprovação na unidade curricular.

3 — Em caso de doença devidamente comprovada, paternidade ou assistência à família, o número de faltas admitidas é de metade do número total de aulas; no caso de faltas por maternidade, é aplicável o regime legal vigente.

4 — Excecionalmente, em casos de doença incapacitante devidamente comprovada, e atentas todas as circunstâncias do caso, pode ser dispensada a presença nas aulas.

Artigo 12.º

Avaliação das unidades curriculares

O método de avaliação de cada unidade curricular é definido pelo regente, podendo ser considerados os seguintes elementos: intervenções orais nos períodos letivos; resolução escrita de hipóteses práticas; projetos; exame escrito ou oral.

Artigo 13.º

Aprovação e classificação

1 — Consideram-se aprovados os estudantes que tiverem obtido aprovação em todas as unidades curriculares que compõem o respetivo programa.

2 — Aos estudantes aprovados podem ser atribuídas, em cada unidade curricular, as menções qualitativas de Suficiente (de 10 a 13), Bom (14 e 15), Muito Bom (16 e 17) e Excelente (18 a 20).

3 — Os estudantes que não obtenham aprovação em três ou menos unidades curriculares podem frequentá-las novamente, por uma vez, no ano letivo subsequente, sujeitando-se a avaliação. Neste caso, é cobrada a propina correspondente às unidades curriculares frequentadas.

4 — A classificação final da PGI corresponde à média aritmética das notas obtidas nas unidades curriculares.

5 — A nota final é calculada até às centésimas e arredondada no final às unidades, considerando como unidade a fração não inferior a 50 centésimas, das classificações obtidas nas unidades curriculares definidas nos termos do plano de estudos, até ao limite de 60 créditos.

Artigo 14.º

Certificação

1 — Aos estudantes que concluem a PGI com aproveitamento é atribuído diploma bilingue que contém a menção "*Postgraduate Diploma* – Diploma de Pós-Graduação" e identifica a especialidade correspondente, caso o estudante frequente com aproveitamento quatro dos módulos que compõem o respetivo programa, bem como a nota final.

2 — Aos estudantes que frequentam um, dois ou três módulos da PGI é atribuído um certificado da frequência do(s) módulo(s) respetivo(s).

Artigo 15.º

Coordenador Executivo

1 — Sob proposta do Conselho Científico, o Diretor da FDUL nomeia um Coordenador Científico e um Coordenador Executivo do curso.

2 — Compete aos Coordenadores:

a) Coordenar o funcionamento do curso;

b) Coordenar com os órgãos da Escola a orientação geral do curso;

c) Exercer todas as demais competências conferidas por lei, deliberação dos órgãos da Universidade, do Conselho Científico e do presente regulamento.

d) Deliberar sobre reclamações e exposições relativas ao funcionamento do curso;

e) Propor aos competentes órgãos da Escola medidas no âmbito do curso; e

f) Propor aos competentes órgãos da Escola a aprovação de normas regulamentares sobre o ciclo de estudos.

Artigo 16.º

Casos omissos

Sem prejuízo do disposto na lei, os casos omissos neste Regulamento são integrados com recurso ao Regulamento de Mestrados e Doutoramentos da FDUL, não sendo este suficiente, por aplicação do Regulamento de Estudos de Pós-Graduação da Universidade de Lisboa, e se este não for suficiente, por Despacho do Professor Coordenador dos Estudos Pós-Graduados, reclamável para o Conselho Científico

INTENSIVE POSTGRADUATE PROGRAM

AI IN LEGAL PRACTICE AND ITS REGULATION

Courses

	1st Semester			2nd Semester			
	MODULE A ***INTRODUCTION TO AI & LAW***		***MODULE B*** ***AI & FUTURE LEGAL LITIGATION***		***MODULE C*** ***AI & CONTRACTS / LIABILITY***		***MODULE D*** ***AI & OTHER LEGAL CHALLENGES****
1st Week	Basics of AI *A designar*	7th Week	AI for Judges and Arbitrators *Paulo de Sousa Mendes*	13th Week	AI for Contracts *Ana Alves Leal*	19th Week	Course 7
2nd Week	Basics of AI *A designar*	8th Week	AI for Judges and Arbitrators *A designar*	14th Week	AI for Contracts *A designar*	20th Week	Course 7
3rd Week	Assessment	9th Week	Assessment	15th Week	Assessment	21st Week	Assessment
4th Week	AI in Legal Practice and its Regulation *Sofia Casimiro*	10th Week	AI for Lawyers and Prosecutors *João Marques Martins*	16th Week	AI and Liability *Rui Soares Pereira*	22nd Week	Course 8
5th Week	AI in Legal Practice and its Regulation *A designar*	11th Week	AI for Lawyers and Prosecutors *A designar*	17th Week	AI and Liability *A designar*	23rd Week	Course 8
6th Week	Assessment	12th Week	Assessment	18th Week	Assessment	24th Week	Assessment

* Students shall choose two of the following courses: ***a)*** Competition Law (*Paulo de Sousa Mendes / Miguel Moura e Silva / Miguel Sousa Ferro*); ***b)*** Cybersecurity (*Eduardo Vera-Cruz Pinto / Ana Fouto*); ***c)*** Intellectual property (*a designar / Vitor Palmela Fidalgo*); ***d)*** Financial markets and financial services (*Diogo Pereira Duarte / Paulo Alves Pardal / Rute Saraiva*); ***e)*** Fundamental Rights (*Rui Lanceiro / Pedro Lomba*); ***f)*** Health Law (*Cláudia Monge*); ***g)*** Tax Law (*Ana Paula Dourado*); ***h)*** Regulation models (*Raquel Brízida / Pedro Lomba*); ***i)*** International arbitration (*a designar*); ***j)*** Data Protection (*António Barreto Menezes Cordeiro*).

INTENSIVE POSTGRADUATE PROGRAM

NEW CHALLENGES IN INTERNATIONAL JUSTICE AND INTERNATIONAL ARBITRATION

Courses

1st Semester							2nd Semester				
	MODULE A ***INT. JUSTICE***	***MODULE A*** ***INT. ARBITRATION***		***MODULE C*** ***INT. JUSTICE***	***MODULE C*** ***INT. ARBITRATION***		***MODULE E*** ***INT. JUSTICE***	***MODULE E*** ***INT. ARBITRATION***		***MODULE G*** ***INT. JUSTICE***	***MODULE G*** ***INT. ARBITRATION***
1st Week	United Nations International Justice *A designar*	Fundamentals and recent developments of international arbitration *Dário Moura Vicente*	7th Week	International Human Rights Justice *Ana Maria Guerra Martins*	International arbitration proceedings *Paula Costa e Silva*	13th Week	International Economic Justice *Miguel Moura e Silva*	Arbitration hearings (online and offline) *A designar*	19th Week	International Law of the Sea Justice *Fernando Loureiro Bastos*	Thematic International Arbitration**
2nd Week	United Nations International Justice *Ana Soares Pinto*	Fundamentals and recent developments of international arbitration *A designar*	8th Week	International Human Rights Justice *Maria José Rangel Mesquita*	International arbitration proceedings *A designar*	14th Week	International Economic Justice *Pedro Infante Mota*	Arbitration hearings (online and offline) *A designar*	20th Week	International Law of the Sea Justice *A designar*	Thematic International Arbitration**
3rd Week	Assessment		9th Week	Assessment		15th Week	Assessment		21st Week	Assessment	

1st Semester							2nd Semestrer				
	Module B ***Int. Justice***	***Module B*** ***Int. Arbitration***		***Module D*** ***Int. Justice***	***Module D*** ***Int. Arbitration***		***Module F*** ***Int. Justice***	***Module F*** ***Int. Arbitration***		***Module H*** ***Int. Justice***	***Module H*** ***Int. Arbitration***
4th Week	International and European Justice in Practice *Lourenço Vilhena de Freitas* + *Nuno Cunha Rodrigues*	International arbitration agreements *Elsa Dias Oliveira*	10th Week	International Criminal Justice *Paulo de Sousa Mendes*	Provisional relief and securities *A designar*	16th Week	International Environmental Justice *Carla Amado Gomes*	Trans-border enforcement and Annulment of Arbitration Awards *João Gomes de Almeida*	22nd Week	Thematic International Justice*	Thematic International Arbitration**
5th Week	International and European Justice in Practice *A designar*	International arbitration agreements *Catarina Monteiro Pires*	11th Week	International Criminal Justice *A designar*	Provisional relief and securities *A designar*	17th Week	International Environmental Justice *Heloísa Oliveira*	Trans-border enforcement and Annulment of Arbitration Awards *Diogo Costa Gonçalves*	23rd Week	Thematic International Justice*	Thematic International Arbitration**
6th Week	Assessment		12th Week	Assessment		18th Week	Assessment		24th Week	Assessment	

*Students are invited to choose two of the following topics: ***(a)*** Protection of Personal Data and Private Life (*Raquel Brízida*); ***(b)*** International Protection: Migration, Asylum, non-Repulsion (*Ana Rita Gil*); ***(c)*** International State Responsibility (*Margarida Salema d'Oliveira Martins*); ***(d)*** Freedom of Press and Freedom of Expression (*Domingos Farinho*); ***(e)*** Detention Conditions and Treatment of Prisoners (*Rui Guerra da Fonseca*); ***(f)*** Work-related Rights (*Luís Gonçalves da Silva*); ***(g)*** Children's Rights (*Ana Soares Pinto*); ***(h)*** Protection of Minors (*Jorge Duarte Pinheiro*); *(i)* Freedom of Religion (*Miguel Assis Raimundo*); ***(j)*** Covid-19 (*Cláudia Monge*); ***(k)*** History and Theory of International Relations (*António Barbas Homem*).

** Students are invited to choose two of the following topics: ***(a)*** International Investment Arbitration (*a designar*); (b) International Contracts and Arbitration (*a designar*); (c) International Sports Arbitration (*a designar*); (d) International Energy Arbitration (*a designar*)

Regulamento dos Cursos de Pós-Graduação Lecionados em Associação entre a Universidade dos Açores e a Faculdade de Direito da Universidade de Lisboa

Artigo 1.º

Objeto

O presente Regulamento estabelece as regras de criação e funcionamento dos cursos de pós--graduação lecionados em associação entre a Universidade dos Açores (UAc) e a Faculdade de Direito da Universidade de Lisboa (FDUL), adiante designados "Cursos PG – UAc|FDUL".

Artigo 2.º

Área Científica, Duração e Créditos

Os Cursos PG – UAc|FDUL:

(a) têm por objeto a Ciência Jurídica, versando sobre as matérias definidas pela UAc e pela FDUL;

(b) têm a duração de dois semestres, podendo iniciar-se a partir de setembro ou de fevereiro;

(c) conferem 60 créditos, correspondendo 30 créditos a cada semestre;

(d) podem integrar unidades curriculares facultativas.

Artigo 3.º

Lecionação

1. Os Cursos PG – UAc|FDUL são lecionados por docentes FDUL, podendo as unidades curriculares facultativas ser lecionadas por docentes indicados pela UAc.

2. A cada unidade curricular corresponde uma carga horária de 10 horas, em horário a definir pela Comissão Científica dos Cursos PG – UAc|FDUL.

Artigo 4.º

Condições de Acesso

1. Podem candidatar-se aos Cursos PG – UAc|FDUL os titulares do grau de licenciado ou de habilitação legalmente equivalente.

2. Podem ainda candidatar-se aos Cursos PG – UAc|FDUL os detentores de currículo científico ou profissional cujo mérito seja reconhecido pelo Conselho Científico da UAc como

atestando capacidade para o efeito.

Artigo 5.º

Critérios de Admissão

Os candidatos são selecionados pela UAc de acordo com os seguintes critérios:

(a) Currículo escolar, em particular as áreas e classificações dos graus académicos detidos;

(b) Currículo científico, em particular a experiência de investigação e as publicações;

(c) Experiência profissional.

Artigo 6.º

Vagas e Prazos

O número de vagas e os prazos para candidatura, matrícula e inscrição são fixados anualmente pelo reitor da UAc e divulgados no portal WEB da UAc.

Artigo 7.º

Candidaturas

1. As candidaturas são efetuadas mediante o preenchimento de formulário próprio, nos termos e nos prazos indicados no portal WEB da UAc, e integram, designadamente, os seguintes documentos:

(a) Documento de identificação;

(b) *Curriculum vitae;*

(c) Certificados de todas as habilitações com as respetivas classificações;

(d) Comprovativos curriculares.

2. As candidaturas obrigam ao pagamento da taxa prevista na tabela de emolumentos da UAc, a liquidar no momento da sua submissão.

Artigo 8.º

Verificação das candidaturas

1. Cabe ao serviço da UAc com competências na área académica verificar:

(a) A correta instrução das candidaturas, designadamente, no que se refere ao preenchimento

do formulário de candidatura;

(b) O pagamento da taxa prevista no n.º 2 do artigo 6.º

2. O serviço pode solicitar a apresentação dos documentos originais, ou devidamente autenticados, que integram a candidatura, sempre que o considere necessário.

3. São indeferidas as candidaturas incorretamente instruídas ou cujo pagamento não seja efetuado nos termos e prazos estabelecidos.

Artigo 9.º

Comissão Científica

Cada instituição nomeia um docente para integrar a Comissão Científica dos Cursos PG – UAc|FDUL.

Artigo 10.º

Frequência

A frequência de, pelo menos, dois terços do período letivo de casa unidade curricular concede ao aluno um comprovativo de frequência.

Artigo 11.º

Avaliação

1. A avaliação final facultativa consta de um trabalho escrito sobre qualquer das matérias lecionadas nas unidades curriculares.

2. O trabalho é avaliado por dois docentes designados pela Comissão Científica.

3. O resultado da avaliação é expresso numa classificação final numérica de 0 a 20 valores.

3. A avaliação positiva concede ao aluno um certificado de aproveitamento a título de pós-graduação.

PROGRAMA

I CURSO DE PÓS-GRADUAÇÃO EM DIREITO DA RESPONSABILIDADE

em associação entre a

Faculdade de Direito da Universidade de Lisboa

e a

Universidade dos Açores

2022/2023

I Semestre

Direito Civil I (Contratos)

Regente: Prof. Doutor Pedro Romano Martinez

Período letivo:

Direito Civil II (Responsabilidade Civil Contratual)

Regente: Prof. Doutor Luís Menezes Leitão

Período letivo:

Direito Penal I (Responsabilidade Criminal)

Regente: Prof. Doutor Paulo de Sousa Mendes

Período letivo:

Metodologia da Investigação Científica

Regente: Prof.ª Doutora Margarida Seixas

Período letivo:

II Semestre

Direito Civil III (Responsabilidade Civil Delitual)

Regente: Prof. Doutor Rui Soares Pereira

Período letivo:

Direito Penal II (Responsabilidade Criminal das Pessoas Coletivas)

Regente: Prof.ª Doutora Teresa Quintela de Brito

Período letivo:

Direito Civil IV (Direito das Sociedades Comerciais)

Regente: Prof.ª Doutora Ana Perestrelo de Oliveira

Período letivo:

Direito Civil V (Responsabilidade Civil dos Administradores)

Regente: Prof. Doutor António Menezes Cordeiro

Período letivo:

PROGRAMA

I CURSO DE PÓS-GRADUAÇÃO CIÊNCIAS JURÍDICO-FORENSES

em associação entre a

Faculdade de Direito da Universidade de Lisboa

e a

Universidade dos Açores

2022/2023

I Semestre

Direito Processual Civil

Regente: Prof. Doutor José Bonifácio Ramos

Período letivo:

Contencioso Administrativo

Regente: Prof. Doutor Vasco Pereira da Silva

Período letivo:

Direito Processual Penal

Regente: Prof. Doutor Paulo de Sousa Mendes

Período letivo:

Justiça Constitucional

Regente: Prof. Doutor Carlos Blanco de Morais

Período letivo:

II Semestre

Arbitragem

Regente: Prof.ª Doutora Paula Costa e Silva

Período letivo:

Direito Contraordenacional

Regente: Prof. Doutor Rui Soares Pereira

Período letivo:

Contencioso Tributário

Regente: Prof.ª Doutora Paula Rosado Pereira

Período letivo:

Direito Processual do Trabalho

Regente: Prof. Doutor Pedro Madeira de Brito

Período letivo:

PROGRAMA

I CURSO DE PÓS-GRADUAÇÃO EM DIREITO REGIONAL

em associação entre a

Faculdade de Direito da Universidade de Lisboa

e a

Universidade dos Açores

2023/2024

I Semestre*

Direito Constitucional Regional

Regente: Prof. Doutor Carlos Blanco de Morais

Período letivo:

Direito do Mar

Regente: Prof. Doutor Fernando Loureiro Bastos

Período letivo:

Finanças Regionais

Regente: Prof. Doutor Eduardo Paz Ferreira

Período letivo:

Direito Marítimo

Regente: Prof. Doutor Januário da Costa Gomes

Período letivo:

História da Autonomia Regional

Regente: Prof. Doutor António Pedro Barbas-Homem

Período letivo:

II Semestre*

Direito Fiscal Regional

Regente: Prof. Doutor Paula Rosado Pereira

Período letivo:

Direito da Energia

Regente: Prof. Doutor Lourenço Vilhena de Freitas

Período letivo:

Direito do Ambiente

Regente: Prof. Doutor Vasco Pereira da Silva

Período letivo:

Direito Aéreo

Regente: Prof. Doutor Catarina Matos Salgado

Período letivo:

Contratação Pública Regional

Regente: Prof.ª Doutora Ana Gouveia Martins

Período letivo:

*** Só funcionam quatro disciplinas por semestre, não abrindo a que tiver menos alunos inscritos por semestre.**

RELATÓRIO DE ATIVIDADES

GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

ANO LETIVO 2020/2021

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INTRODUÇÃO

O Gabinete Erasmus e de Relações Internacionais (GERI) promove e gere, entre outras atribuições, os programas de mobilidade 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 *outgoing* que queiram realizar um período de mobilidade numa universidade parceira, quer para alunos *incoming* que queiram frequentar um semestre ou um ano letivo na nossa Faculdade.

Estas atribuições, pese embora não terem sofrido alterações e à semelhança do ano letivo 2019/2020, foram bastante afetadas pelas medidas de prevenção em vigor durante o ano letivo 2020/2021, não só pelas alterações no modo de funcionamento do GERI, mas também pelo impacto profundo que teve no número de mobilidades *incoming* e *outgoing*, cujos números serão discutidos ao longo do relatório.

No que diz respeito ao modo de funcionamento do GERI, e na sequência da adoção de um modelo de funcionamento que combinou atividades letivas presenciais e online, a lecionação das disciplinas em Inglês e dos Cursos Intensivos, adotaram também um sistema misto de aprendizagem e ensino em que as tecnologias digitais ganharam um lugar de destaque. Durante o 1.º semestre do ano letivo 2020/2021, as aulas lecionadas em Inglês foram lecionadas presencialmente e a distância e os Cursos Intensivos, lecionados por Professores estrangeiros convidados e Professores da FDUL, foram todos lecionados online, via Zoom, o que representou um trabalho acrescido por parte do GERI, de forma a assegurar que estes cursos decorriam dentro da normalidade e o rigor académico, não só no que diz respeito ao processo ensino e aprendizagem, mas também ao processos avaliativo, eram assegurados. No 2.º semestre, devido à declaração de Estado de Emergência e suspensão de todas as atividades letivas presenciais, tanto as aulas das disciplinas em Inglês como os Cursos Intensivos foram lecionados online até dia 19 de Abril, quando foi retomado o modelo misto referido anteriormente.

Neste ponto, é importante dar especial destaque aos cursos intensivos, criados originalmente como uma extensão do Programa Erasmus+ e integrados no Mestrado ELPIS, lecionados na sua maioria por docentes estrangeiros, em língua estrangeira, sobre temas específicos com uma vertente predominante de Direito Comparado, Europeu e Global. Este ano letivo, dada a pandemia COVID-19, todos os cursos foram lecionados online e contaram com a colaboração de 26 Professores estrangeiros convidados e 11 Professores da FDUL que prontamente se disponibilizaram para colaborar com o GERI.

Paralelamente, 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 países fora da Europa, através de Protocolos de Intercâmbio. No âmbito do novo Programa Erasmus+ 2021/2027, todos os Acordos Interinstitucionais deveriam ser renovados a partir do ano letivo 2019/2020, mas dada a pandemia COVID-19, este processo foi adiado para 2020/2021 e está neste momento a decorrer

Neste sentido, o presente relatório pretende dar conta das atividades promovidas ao longo do ano letivo de 2020/2021, em comparação com os anos letivos anteriores e com um enfoque especial no impacto que a pandemia COVID-19 teve nas tarefas do Gabinete Erasmus e de Relações Internacionais da Faculdade de Direito da Universidade de Lisboa.

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 Assistente Técnico, 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 Tiago Soares da Fonseca

Professor Doutor José Ferreira Gomes

Grupo de Ciências Jurídico-Políticas

Professor Doutor Rui Guerra da Fonseca

Grupo de Ciências Jurídicas-Económicas

Professor Doutor Nuno Cunha Rodrigues

Professor Doutor Rute Saraiva

Grupo de Ciências Histórica-Jurídicas

Professora Doutora Sílvia Alves

Professora Doutora Isabel Graes

Equipa de colaboradores:

Andreia Caeiro (Técnica Superior, 2020)

Miguel Pires (Assistente Técnico)

Anaísa Sorna (Fevereiro, 2020)

Filipe Vigo (Fevereiro, 2020)

Talita Crespo (Maio, 2020)

Matheus Calcagno (Dezembro, 2020)

Representante da Associação Académica: Pedro Cardoso

PROGRAMAS E REDES

A internacionalização tem sido uma das principais prioridades da Faculdade de Direito da ULisboa, cuja importância se traduz não só nos diferentes programas de mobilidade, mas também na oferta formativa, permitindo assim que os alunos da Faculdade e os alunos visitantes de universidades parceiras tenham uma experiência académica enriquecedora e multicultural.

A fim de concretizar esse objetivo, a FDUL é membro de vários programas e redes, cujos objetivos se prendem com o intercâmbio de alunos, docentes e funcionários, a realização de encontros periódicos, o estabelecimento de parcerias, o desenvolvimento de projetos de investigação em conjunto e a atribuição de graus académicos conjuntos.

As redes internacionais de que a Faculdade de Direito da Universidade de Lisboa é parte são as seguintes:

Asociación Sui Iuris

A Asociación Sui Iuris é uma associação de Faculdades e Escolas de Direito Ibero-Americanas que tem como objetivo promover oportunidades de mobilidade de estudantes entre as universidades parceiras.

ELFA (European Law Faculties Association)

Associação representativa das Faculdades de Direito europeias, fundada em 1995, em Leuwen, Bélgica. É atualmente constituída por mais de 180 Faculdades de Direito e constitui-se como um dos principais fóruns de discussão para 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 Leibniz Universität Hannover, atualmente constituída por cerca de quatro dezenas de universidades europeias (assim como associadas, de outros continentes), destina-se à promoção do intercâmbio de estudantes, docentes e funcionários, à organização de programas de estudos, cursos e publicações, assim como à promoção da investigação científica e pedagógica, em especial, nos domínios do Direito Europeu e Direito Comparado.

Na sequência da eleição do Professor Doutor Vasco Pereira da Silva, em 2015, para a liderança do grupo ELPIS, a Faculdade de Direito da Universidade de Lisboa assegura a respetiva coordenação. Entre as alterações realizadas durante o presente mandato, foi criado o ELPIS-Research que, juntamente com o ELPIS-Network e o ELPIS-Master, completa a organização institucional internacional do Grupo ELPIS, autonomizando as tarefas de investigação.

Rede EuropePolis

Rede de cooperação e promoção da investigação académica, fundada em março de 2011, pela Sapienza - Università di Roma, é composta por 19 universidades e centros europeus, com o objetivo de incentivar o ensino do Direito Europeu. A Faculdade de Direito da Universidade de Lisboa é membro fundador desta rede.

Rede de Direito de Roterdão (Rotterdam Law Network)

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

Rede de Nanterre (Nanterre Network)

Rede de cooperação e promoção de investigação universitária nas ciências do Direito, coordenada pela Universidade de Université Paris-Ouest Nanterre (La Défense), da qual a Faculdade de Direito da Universidade de Lisboa é membro desde maio de 2011.

PROTOCOLOS E PARCERIAS

A Faculdade de Direito da Universidade de Lisboa oferece três tipos de programas de mobilidade, sendo que o GERI é responsável pela gestão dos Acordos Interinstitucionais no âmbito do Programa Erasmus+, dos protocolos assinados pelo Instituto de Direito Brasileiro e pela gestão de outros protocolos com 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, é gerido pela Reitoria, cabendo ao GERI a responsabilidade de receber e validar as candidaturas, para enviar posteriormente ao Núcleo de Mobilidade da Reitoria e/ou às Universidades portuguesas que fazem parte do programa.

No fim do ano letivo de 2020/2021, o GERI encontrava-se a gerir 172 protocolos com instituições europeias, americanas, latino-americanas e asiáticas.[1]

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. É de ressaltar que a renovação dos Acordos Interinstitucionais no âmbito do novo Programa Erasmus+ 2021/2027 foi adiada devido à pandemia COVID-19 e muitos Universidades optaram por não assinar novos Acordos durante este período, preferindo aguardar pela entrada em vigor do sistema EWP (Erasmus Without Paper) e subsequente renovação digital dos AII já em vigor.

Foram assinados 7 novos acordos de mobilidade (Fig. 2), mas os países com com maior número de parceiros mantiveram-se a Espanha e a Itália, seguidos da Alemanha e França.[2]

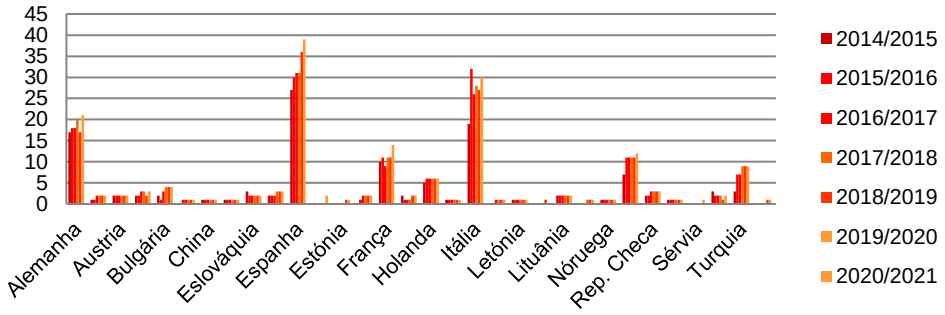

FIG. 1 EVOLUÇÃO DO N.º DE PROTOCOLOS ERASMUS+ POR PAÍS

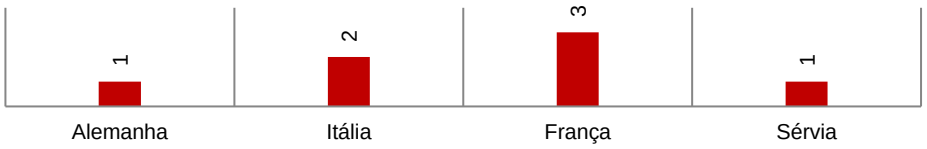

FIG. 2 PROTOCOLOS ASSINADOS EM 2020/2021, POR PÁIS

[1] 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.
[2] Anexo 1 – Lista de Protocolos em vigor e assinados 2020/2021.

No ano letivo de 2020/2021, enviámos 74 alunos para 33 instituições parceiras e recebemos 166 alunos de 78 instituições. Em regra, o número de vagas é respeitado, embora haja casos de instituições parceiras que aceitam receber mais alunos da Faculdade de Direito da Universidade de Lisboa do que aqueles que enviam e vice-versa[3].

[3] Ver Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.

MOBILIDADE DE ALUNOS

Alunos Incoming

166 ALUNOS	78 INSTITUIÇÕES[4]	25 PAÍSES[5]	29 NACIONALIDADES[6]

Nos últimos anos, a mobilidade *incoming* tem vindo a aumentar progressivamente, como pode verificar-se na Fig 3. No entanto, devido à pandemia COVID-19, o número de candidatos sofreu um decréscimo significativo, especialmente no que diz respeito às mobilidades no âmbito de Protocolos de Intercâmbio com países fora da União Europeia, diretamente afetados pelas restrições de viagem em vigor na altura. Relativamente ao Programa Erasmus+, o número de mobilidades também sofreu uma quebra acentuada em comparação aos anos anteriores, mas ainda assim continua a ser elevado considerando as circunstâncias que vivemos durante o ano letivo 2020/2021.

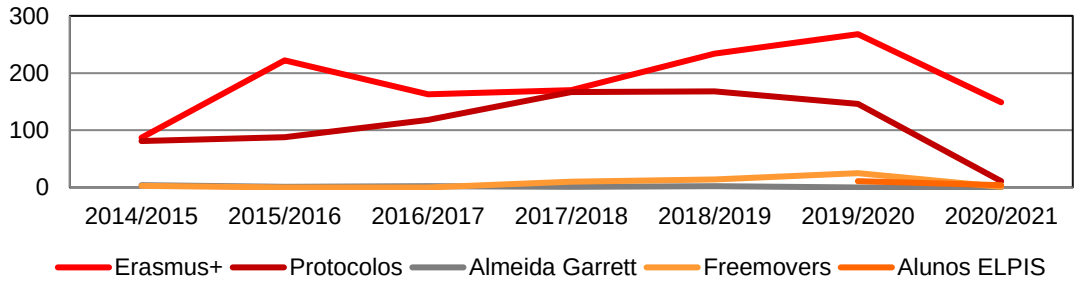

FIG. 3 EVOLUÇÃO DOS ALUNOS INCOMING, POR PROGRAMA (2014-2021)

Face a uma conjuntura atípica que *suscitou* medidas extraordinárias por parte dos órgãos e dos serviços da FDUL, o número de candidatos ao Programa Erasmus+ ultrapassou mais uma vez o número de mobilidades por Protocolo, que diminuiu drasticamente em relação aos anos anteriores, pelos motivos já referidos anteriormente. Os alunos *free movers*[7] também diminuíram e continuam a não apresentarm uma expressão significativa no contexto da mobilidade. O Programa Almeida Garrett, sendo um programa nacional, tem um universo de mobilidade bastante mais pequeno e no ano letivo anterior não houve nenhum aluno deste programa.

[4] Anexo 2 – Alunos *incoming* inscritos por universidade de origem.
[5] Anexo 3 – Alunos *incoming* por país de origem.
[6] Anexo 4 – Alunos *incoming* por nacionalidade.
[7] 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.

No ano letivo 2020/2021, a FDUL recebeu 363 nomeações e foram submetidas 289 candidaturas:

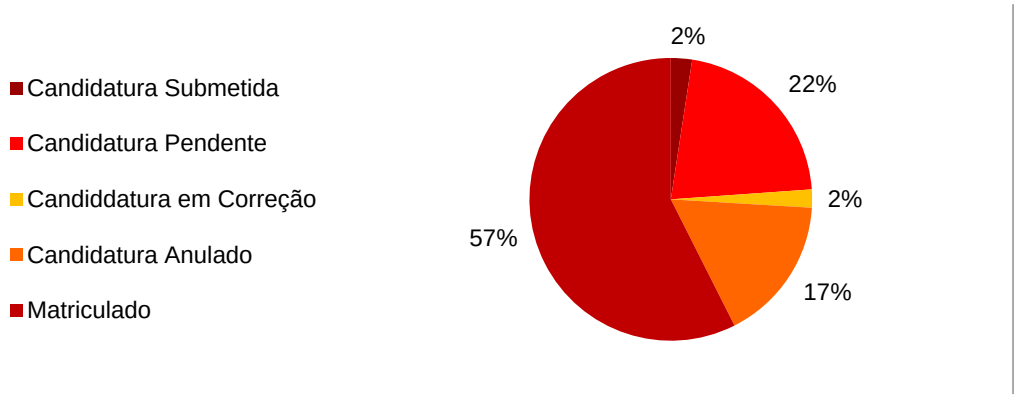

FIG. 4 CANDIDATURAS 2020/2021

Foram matriculados 166 alunos, o que significa que houve uma redução de matrículas na ordem dos 60% em relação ao ano anterior, sendo que recebemos uma média de 83 alunos por semestre, tendo havido 7 pedidos de prorrogação e 1 pedido de redução.

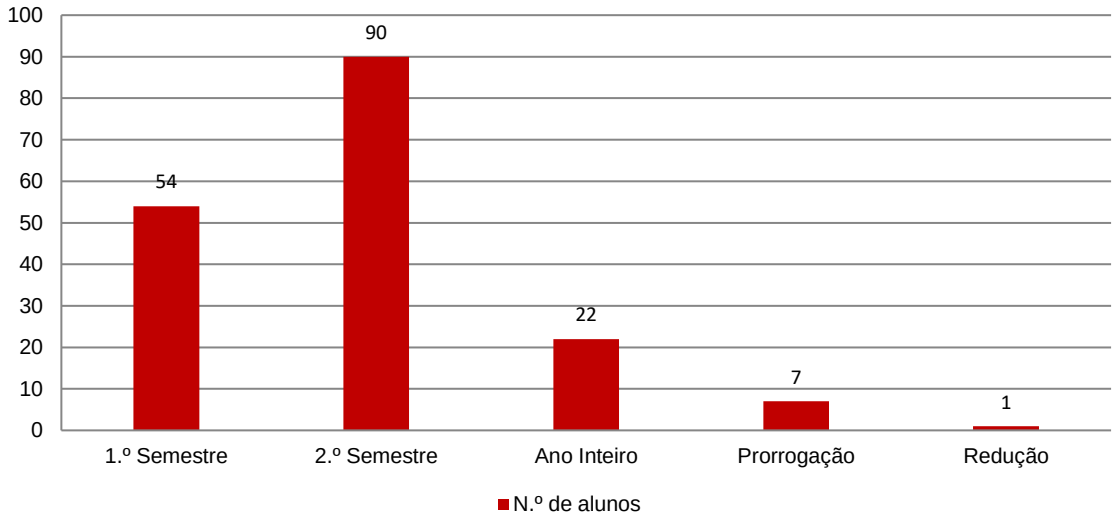

FIG. 5 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR SEMESTRE, EM 2020/2021

A Faculdade de Direito ULisboa recebeu em média 2,1 alunos por universidade parceira (Fig. 6) e um número médio de 6,6 alunos por país de origem (Fig. 7).

Importa salientar que o decréscimo do número de nomeações e subsequente diminuição de candidaturas e matrículas foi fortemente afetado pela pandemia COVID-19 e muitos alunos optaram por adiar a mobilidade para o ano letivo 2021/2022, que até ao momento veio a superar as expectativas.

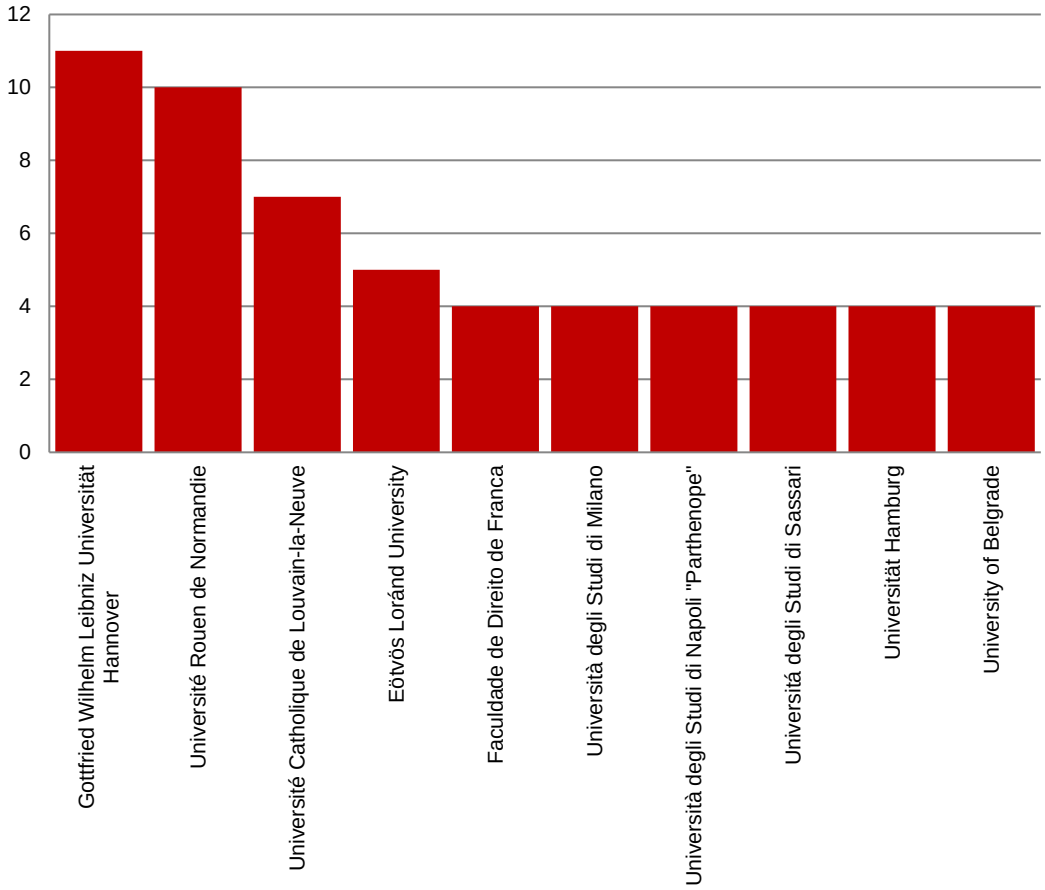

FIG. 6 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS INCOMING

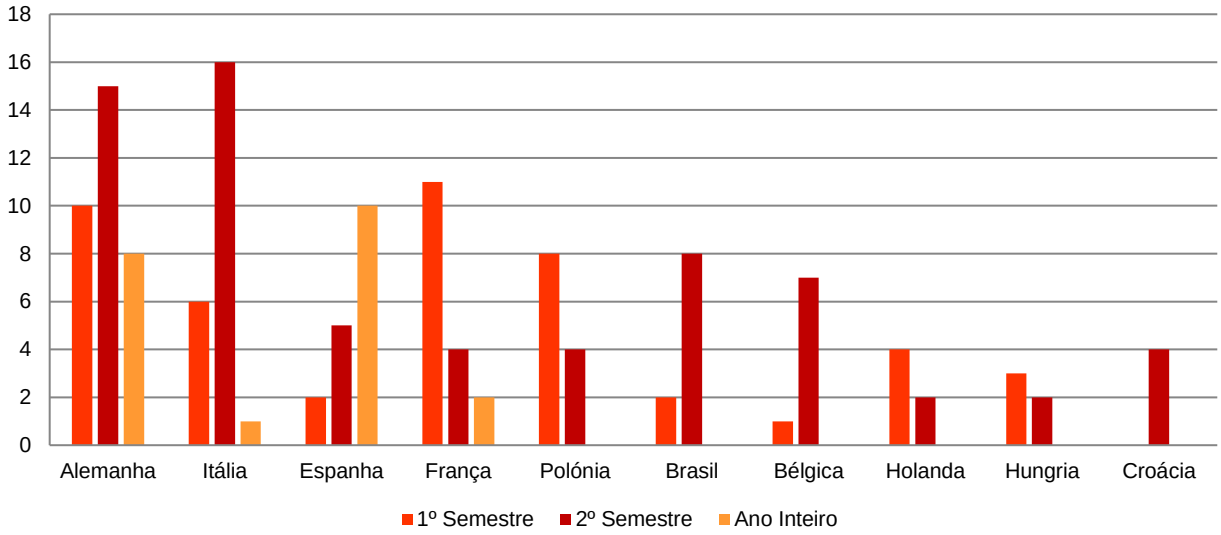

FIG. 7 PAÍSES COM MAIOR NÚMERO DE ALUNOS INCOMING

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 8) e maioritariamente entre os 21 e os 25 anos anos (Fig. 9).[8]

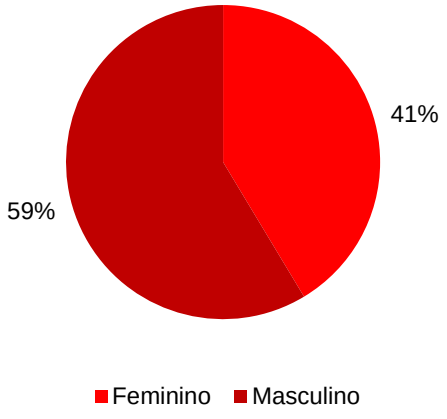

FIG. 8 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÉNERO

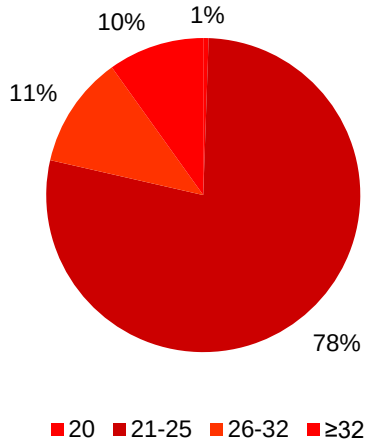

FIG. 9 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE

Os alunos *incoming* frequentaram, em 2020/2021, 69 disciplinas[9] (menos 35 unidades curriculares do que no ano letivo anterior), numa média de 10 alunos *incoming* por unidade curricular. As unidades curriculares que tiveram maior número de alunos *incoming* inscritos foram:

Código	Unidade Curricular	Total
268	Direito Do Ambiente	71
147	Direito Comparado	57
138	Direitos Fundamentais	49
114	Direito Internacional Público I	37
3057	Organizações Internacionais	36
130	História Das Relações Internacionais	34
121	História Do Pensamento Jurídico	31
251	Direito da União Europeia	28
3001	Direito e Economia	25
3050	Direito das Nações Unidas	25
3068	Contencioso da União Europeia	25
263	Contencioso da União Europeia	23

TABELA 1. UNIDADES CURRICULARES

17% das unidades curriculares com alunos de mobilidade tiveram 20 ou mais alunos inscritos.

Todos os anos é oferecido um conjunto de unidades curriculares lecionadas em Inglês. Estas unidades curriculares, tanto na Licenciatura em Direito como no Mestrado em Direito e Prática Jurídica, visam facilitar o processo de aprendizagem e ensino dos alunos que não dominam ainda o português. Os alunos que optam por se inscrever nestas disciplinas são na sua maioria de origem alemã, espanhola, francesa, italiana e polaca.

[8] Anexo 5 – Alunos *Incoming* por Género e Idade.
[9] Anexo 6 – Alunos *incoming* inscritos por disciplina.

Existem também muitos alunos brasileiros que optam por frequentar estas unidades curriculares como forma de valorizar a sua experiência no estrangeiro, mas devido à diminuição do número de mobilidades e restrições de viagens, não têm uma expressão significativa nas disciplinas em I

Em 2020/2021, nas 26 disciplinas em inglês[10] foram lecionadas 32 subturmas: 19 no 1.º semestre e 13 no 2.º semestre. As disciplinas com maior número de alunos foram:

Unidades Curriculares	Alunos
Direito Do Ambiente	51
Direito Comparado	46
Direitos Fundamentais	39
Organizações Internacionais	35
Direito Internacional Público I	30
História Das Relações Internacionais	29
História Do Pensamento Jurídico	29
Direito da União Europeia	26
Direito e Economia	25
Contencioso da União Europeia	25
Direito das Nações Unidas	24
Contencioso da União Europeia	18

TABELA 2. UNIDA/DES CURRICULARES EM INGLÊS

Em termos de avaliação, a média geral dos alunos *incoming* é de 12,44[11]. Esta média aumenta ligeiramente se analisarmos apenas as disciplinas lecionadas em inglês, cuja média é 12,76[12].

[10] Anexo 7 – Lista de unidades curriculares lecionadas em inglês.
[11] Anexo 9 – Média de avaliação dos alunos *incoming* por disciplina.
[12] Anexo 10 – Média de avaliação dos alunos *incoming* por disciplina (turma) lecionada em Inglês.

Alunos Outgoing

74 ALUNOS	33 INSTITUIÇÕES[13]	14 PAÍSES[14]

No ano letivo 2020/2021 houve um aumento significativo no número de candidaturas aos programas de mobilidade em comparação com 2019/2020, com um total de 685 candidaturas, distribuídas da seguinte forma

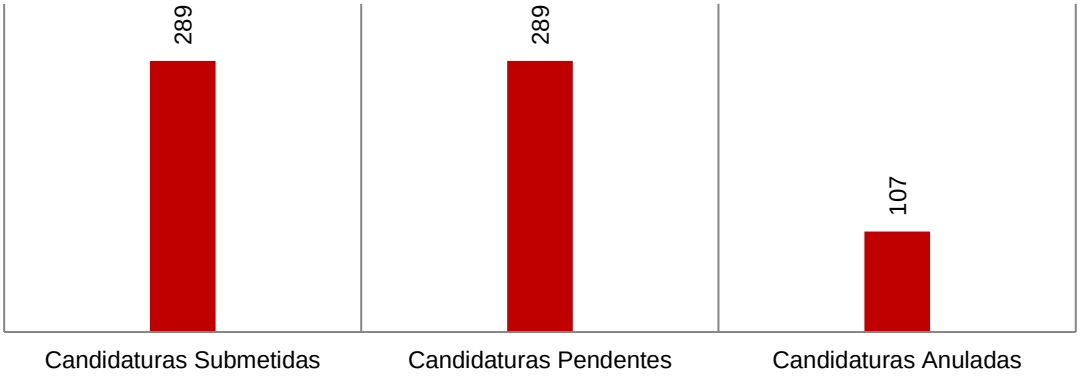

FIG. 10 NÚMERO DE CANDIDATURAS NO ANO LETIVO 2020/2021

18 alunos não foram colocados. As restantes 271 candidaturas foram distribuídas da seguinte forma:

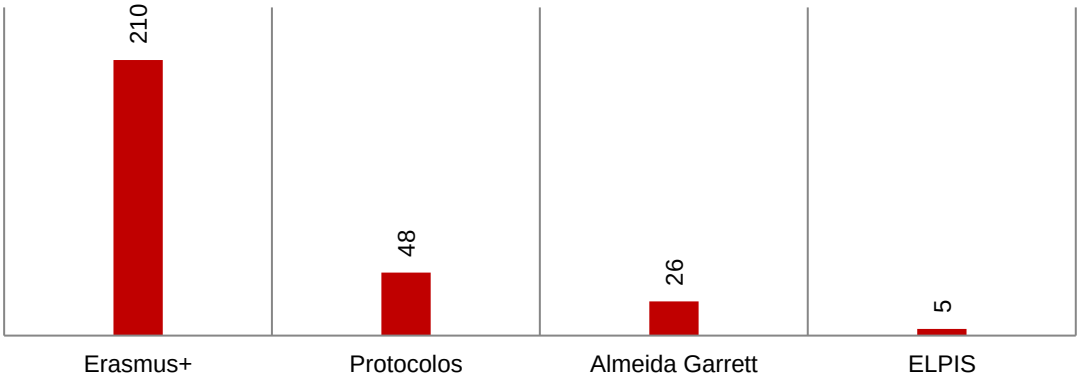

FIG. 11 DISTRIBUIÇÃO DE CANDIDATURAS NO ANO LETIVO 2020/2021

Apesar do aumento significativo de candidaturas submetidas, este número sofreu um decréscimo manifestamente acentuado, sendo que houve 197 desistências. Além dos motivos habituais que levam os alunos a desistir de realizar períodos de mobilidade, tais como a diferença do custo de vida entre Portugal e os países de destino, a inexistência de equivalências em algumas universidades ou a não atribuição de orientadores no caso dos alunos do 2.º ciclo, condição obrigatória para a mobilidade ser validada, o motivo mais apontado foi o clima de incerteza e receio que se vivia devido à pandemia COVID-19.

[13] Anexo 11 – Alunos *outgoing* por universidade de destino.
[14] Anexo 12 – Alunos *outgoing* por país de destino.

No total realizaram-se 74 mobilidades distribuídas da seguinte forma:

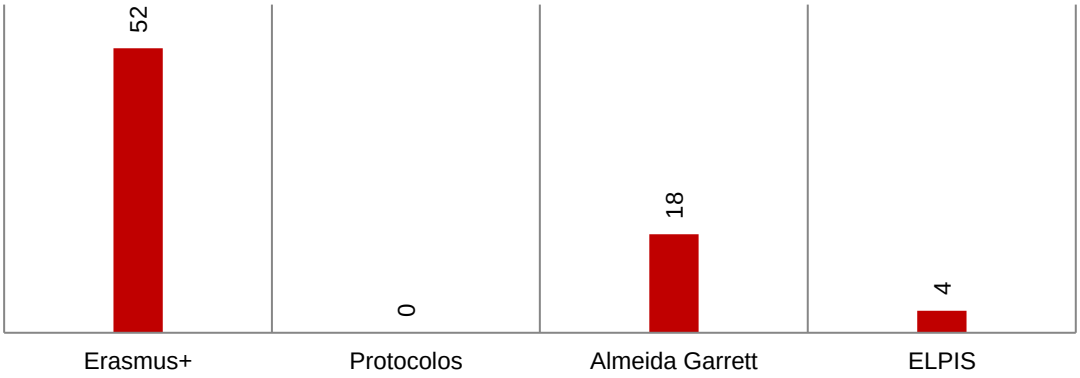

FIG. 12 NÚMERO DE MOBILIDADES NO ANO LETIVO 2020/2021.

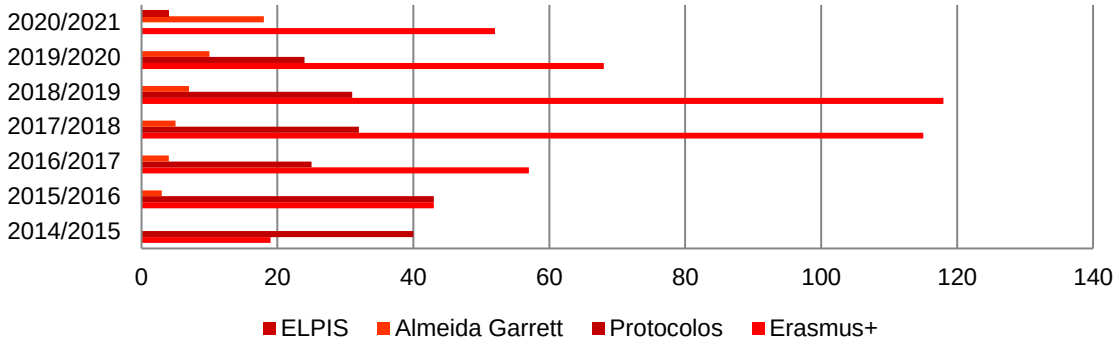

FIG. 13 EVOLUÇÃO DOS ALUNOS OUTGOING, POR PROGRAMA

É importante destacar que houve um aumento significativo de mobilidades ao abrigo do Programa Almeida Garrett (18), tendência que também se tem vindo a verificar no ano letivo 2021/2022. Destacamos ainda as mobilidades realizadas no âmbito do Mestrado em European Legal Practice (4), no qual os alunos devem realizar um ou dois semestres numa das Universidades do consórcio ELPIS.

Importa ainda salientar que alguns dos alunos que se candidataram para realizar um período de mobilidade durante o ano letivo 2020/2021 e desistiram, optaram por se voltar a candidatar no ano letivo 2021/2022, o que se traduziu num aumento significativo de mobilidades neste ano letivo.

No ano letivo 2020/2021, a maioria das mobilidades tiveram lugar no 1.º semestre (Fig. 14) à semelhança do que se tem vindo a verificar nos últimos anos:

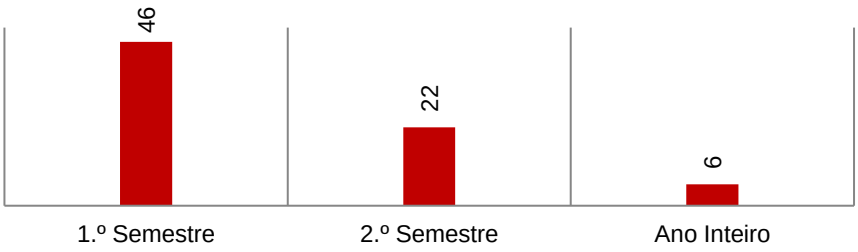

FIG. 14 DISTRIBUIÇÃO DOS ALUNOS OUTGOING POR SEMESTRE, EM 2018/2019

A Faculdade de Direito enviou em média 2,2 alunos por universidade de destino e um número médio de 5,23 alunos por país de destino. Na Fig. 15 constam as 12 universidades que receberam mais alunos durante o ano letivo 2021/2022:

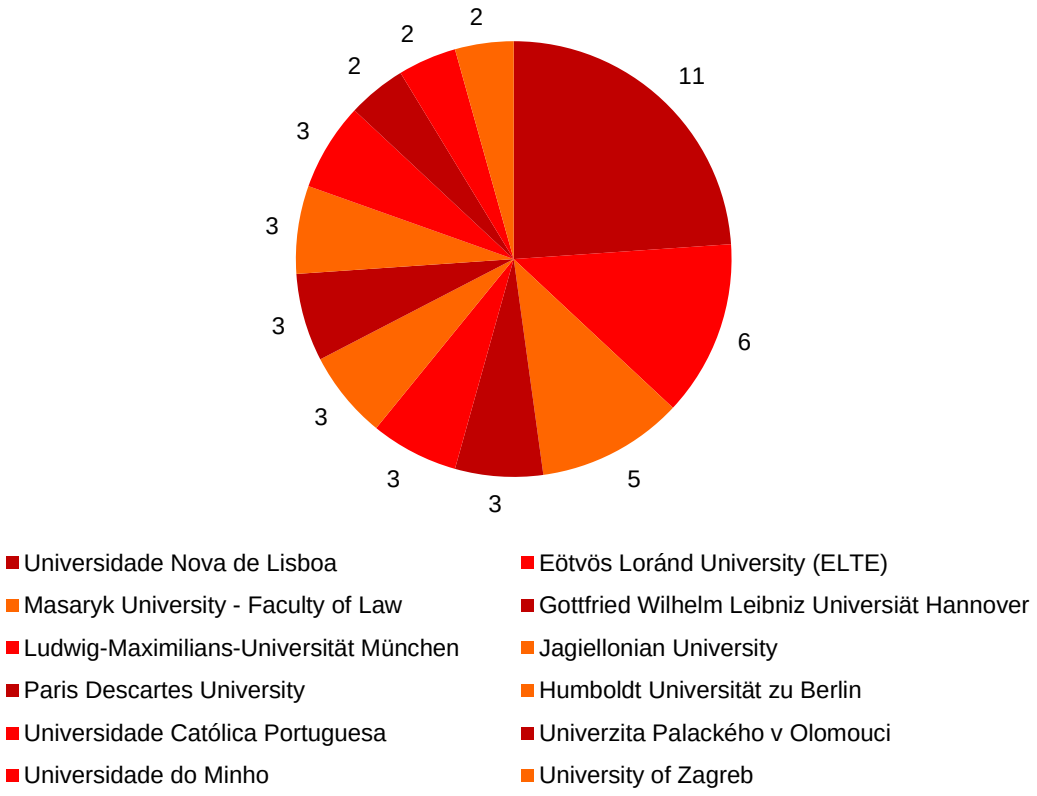

FIG. 15 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS OUTGOING

Estes alunos são, na sua maioria, alunos da Licenciatura em Direito. Na generalidade, a mobilidade durante a Licenciatura em Direito é bastante superior à mobilidade nos demais ciclos de estudos:

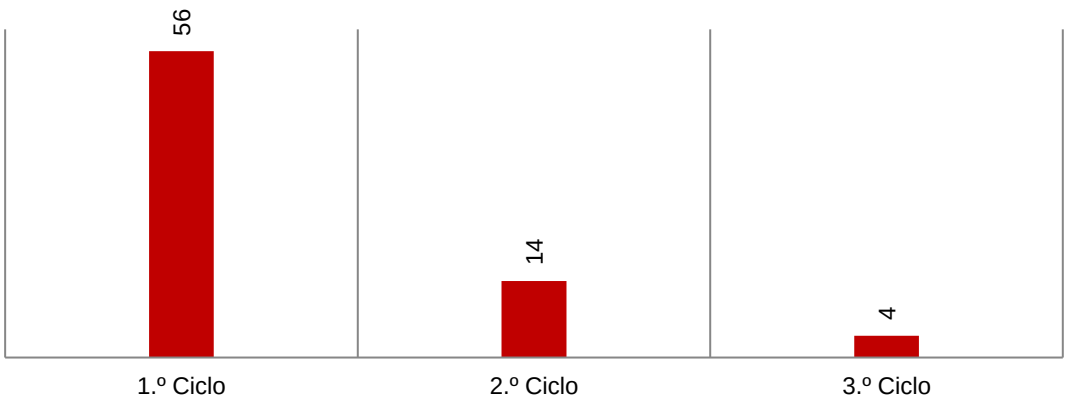

FIG. 16 DISTRIBUIÇÃO DE ALUNOS POR CICLOS DE ESTUDO

A maioria dos alunos (77%) que realizou um período de mobilidade numa universidade estrangeira frequenta o 1.º ciclo na Faculdade de Direito da Universidade de Lisboa (Fig. 16). Sendo um ciclo de estudos com uma

duração de 4 anos curriculares, na Licenciatura em Direito o aluno tem um intervalo de tempo maior para decidir se pretende fazer mobilidade e qual a instituição, não havendo qualquer tipo de restrição relativa ao semestre em que escolhe realizá-la, ao contrário dos alunos de 2.º ciclo, que apenas podem realizar mobilidade no 1.º semestre do segundo ano do Mestrado, que corresponde ao ano para elaboração da dissertação, e dependem da atribuição de um orientador na Universidade de Acolhimento para supervisionar o trabalho desenvolvido durante a mobilidade[15].

Relativamente aos países de destino, há uma preferência dos alunos da Faculdade de Direito por Portugal, Alemanha, seguidos da Polónia, República Checa, Itália, Hungria, França e Espanha.

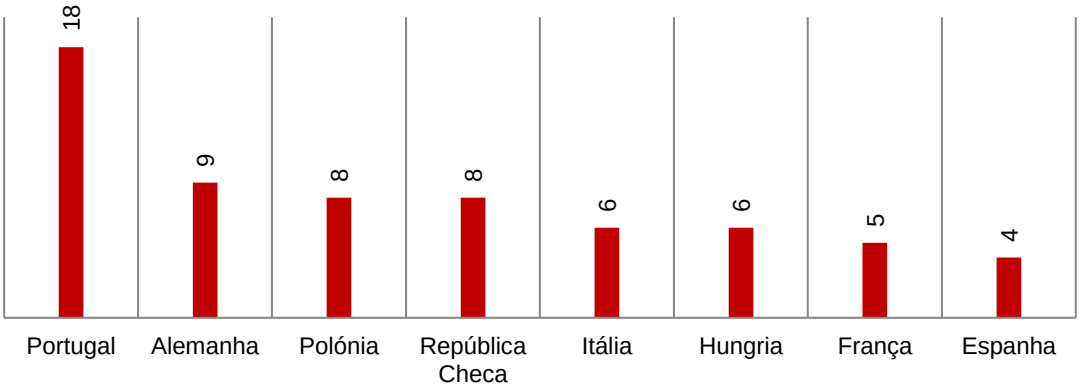

FIG. 17 DISTRIBUIÇÃO DE MOBILIDADES POR PAÍS

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 18) e maioritariamente entre os 21 e os 25 anos (Fig. 19.[16]

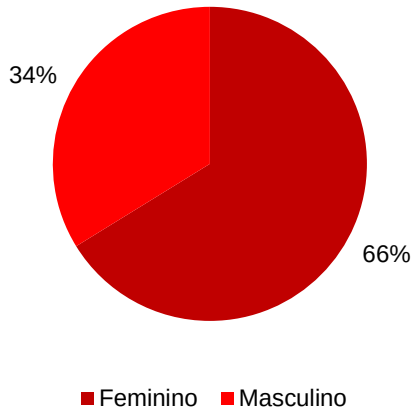

FIG. 18 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÉNERO

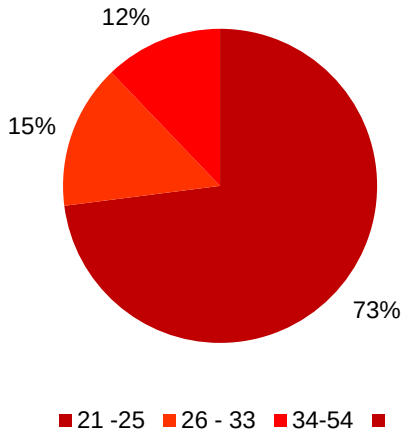

FIG. 19 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE

[15] Anexo 13 – Alunos *outgoing* por ciclo de estudos.
[16] Anexo 14 – Alunos *outgoing* por Género e Idade.

Comparação Incoming vs. *Outgoing*

Ainda que o número de mobilidades tenha diminuído drasticamente devido à pandemia COVID-19, a FDUL continua a receber aproximadamente dois terços do total de fluxos de mobilidade da FDUL, pelo que nem sempre existe reciprocidade (Fig. 20), dado que recebemos mais alunos de instituições para as quais não enviamos[17].

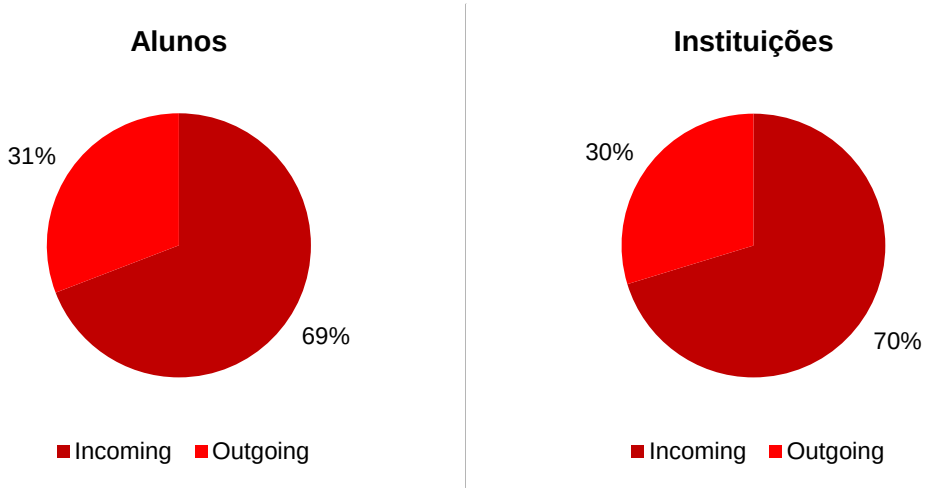

FIG. 20 ALUNOS INCOMING VS ALUNOS OUTGOING

Esta diferença de números é ainda mais visível quando comparamos os alunos recebidos e enviados com as instituições de origem e destino (Fig. 21). Apenas existe reciprocidade (*i.e.*, enviarmos e recebermos alunos da mesma instituição) com 13% dos parceiros, sendo que este número é menor do que em 2019/2020 pelos motivos já referidos anteriormente.

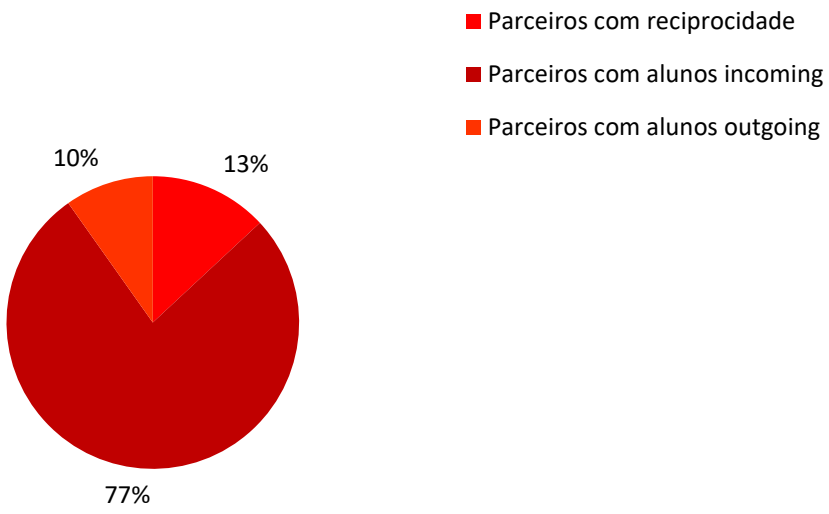

FIG. 21 RECIPROCIDADE POR INSTITUIÇÃO PARCEIRA

[17] Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.

Na Fig. 22 é possível constatar que países como o Brasil, Itália, Alemanha, Espanha, França, Polónia e Bélgica são os destinos mais procurados pelos alunos em 2020/2021, ainda que o número de alunos recebidos seja bastante superior ao número de alunos enviados[18]. Dado que o número de mobilidades *outgoing* diminuiu significativamente e o número de candidatos ao Programa Almeida Garrett aumentou, Portugal é o país no qual o número de alunos em mobilidade é superior, seguido da República Checa, que em anos anteriores também enviou mais alunos do que recebeu.

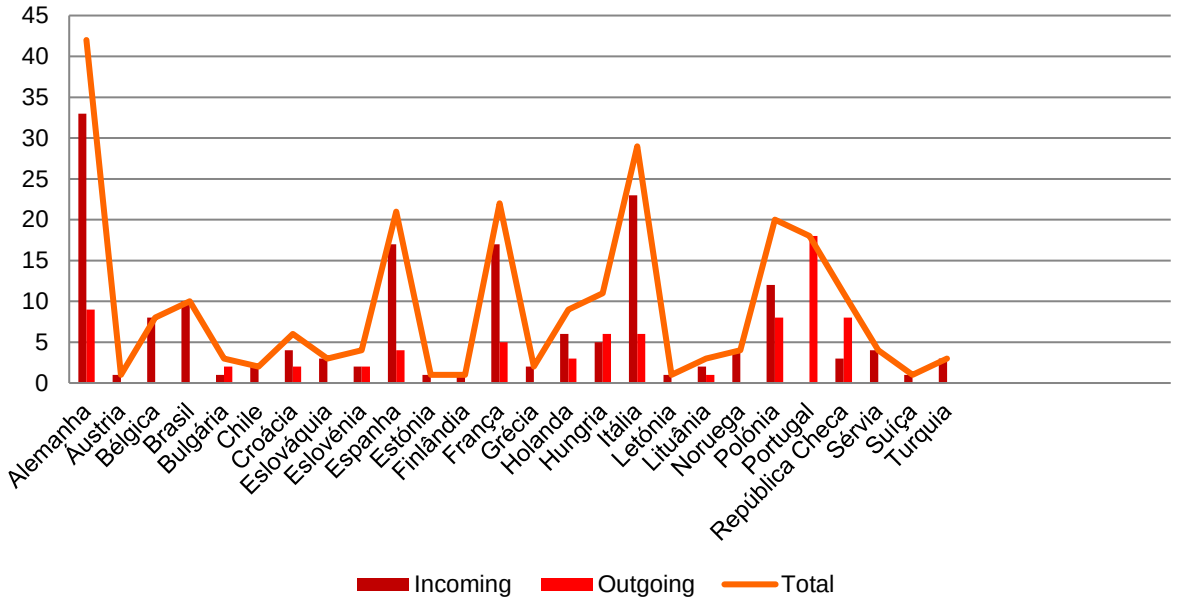

FIG. 22 RECIPROCIDADE POR PAIS

Quando analisamos o fluxo de alunos por semestre, o maior número de mobilidades ocorre no 1.º semestre (Tabela 3), tanto na mobilidade *incoming* como na mobilidade *outgoing*.

Período de Mobilidade	Incoming	Outgoing	Fluxos
1.º Semestre	54	46	100
2.º Semestre	90	22	112
Ano inteiro	22	6	28
Total Geral	166	74	240

TABELA 3. FLUXOS DE BILIDADE POR PERÍODO DE ESTUDOS

[18] Anexo 16 – Alunos *incoming* e *outgoing*, por país.

MOBILIDADE DE DOCENTES E *STAFF*

As mobilidades de docentes ao abrigo do Programa Erasmus+ são organizadas exclusivamente pelo Gabinete Erasmus e de Relações Internacionais. Os dados apresentados não incluem informações do Instituto de Cooperação Jurídica, nem do Instituto do Direito Brasileiro, nem participações de docentes em conferências, seminários, congressos, ou manifestações similares.

A mobilidade de docentes para missões de ensino é um pilar fundamental na estratégia de internacionalização da FDUL, que beneficia não só o docente, mas também a Faculdade. A realização de um período de mobilidade neste âmbito proporciona aos docentes uma oportunidade de valorização pessoal e profissional, reforçando os laços entre as instituições de ensino superior de países diferentes, sendo também um instrumento de melhoria e de partilha de boas práticas, na medida em que promove o intercâmbio de conhecimentos e de experiências.

Uma missão de ensino ao abrigo do Programa Erasmus+ tem a duração mínima de 2 dias consecutivos e máxima de 2 meses e obriga à lecionação de 8 horas de aulas.

Docentes *Incoming*

A mobilidade de docentes, à semelhança do que aconteceu na mobilidade de alunos, foi fortemente afetada pela suspensão das atividades letivas presenciais e das deslocações de docentes visitantes no âmbito do Programa Erasmus+, sendo que houve apenas uma mobilidade *incoming* no 2.º semestre do ano letivo 2020/2021, da Universidad de Leon (Espanha).

Relativamente aos Cursos Intensivos, lecionados por docentes convidados estrangeiros, no ano letivo foram convidados 24 docentes para lecionarem os referidos cursos a distância, sendo que 4 lecionaram um curso ao abrigo do Programa Erasmus+ (dois no 1.º semestre e dois no 2.º semestre).

Na Fig. 23 podemos verificar a origem dos docentes convidados para lecionar cursos intensivos:

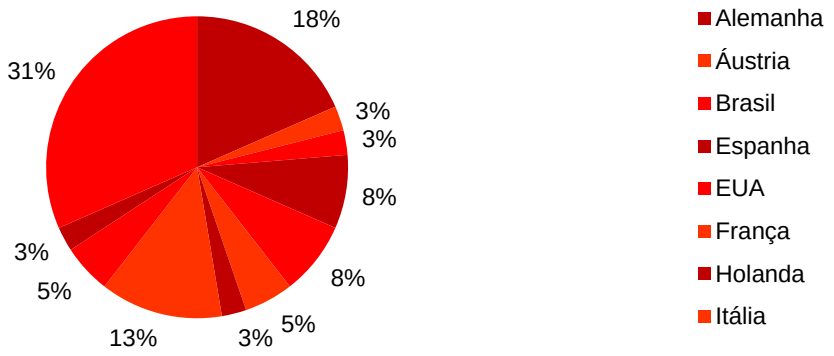

FIG. 23 PAÍS DE ORIGEM DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

No que diz respeito às Universidades de origem, os docentes distribuem-se da seguinte forma:

Universidade de Origem	Docente
Bucerius Law School	1
Erasmus University Rotterdam	1
Federal University of Applied Sciences for Public Administration	1

Gottfried Wilhelm Leibniz Universität Hannover	2
Loyola University College of Law (EUA)	2
Mykolas Romeris University	2
Universidad de Alicante	1
Universidad de Granada	1
Universidad de Santiago de Compostela	1
Universidade Federal de Pernambuco	1
Università Bocconi	1
Università degli Studi di Kori di Enna	1
Università Degli Studi di Pavia	1
Università di Catanzaro	1
Universität Konstanz	1
Universität Regensburg	1
Université de Montpellier	1
Université Rouen de Normandie	1
University of Bergen	1
University of Innsbruck	1
University of Louisville	1

TABELA 4. UNIVERSIDADES DE ORIGEM DOS DOCENTES QUE LECIONAM CURSOS INTENSIVOS

Docentes *Outgoing*

A mobilidade de docentes *outgoing* é pouco procurada pelos docentes da FDUL, o que decorre também do reduzido número de bolsas de ensino atribuídas à 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).

Em 2020/2021, e face aos motivos já expostos, não houve mobilidades STA *outgoing,* sendo que as bolsas atribuídas para este ano letivo foram transferidas para o ano letivo 2021/2022.

Mobilidade de *Staff*

À semelhança do que aconteceu com a mobilidade docente *outgoing*, não houve nenhuma mobilidade *staff* no ano letivo 2020/2021.

MESTRADOS INTERNACIONAIS

Mestrado em European Legal Practice

O Mestrado em *European Legal Practice* (ELPIS) foi criado no âmbito do programa Erasmus Mundus em 2004 e faz parte da oferta formativa da FDUL, tendo sido acredito pela A3ES em 2019.

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). Este mestrado foi criado no âmbito do programa Erasmus Mundus, pelas seguintes universidades: a Faculdade de Direito da Universidade de Lisboa (Portugal), a Gottfried Leibniz Universität Hannover (Alemanha), a Université Rouen Normandie (França) e a Mykolas Romeris University in Vilnius (Lituânia). Este mestrado insere-se nas atividades do Consórcio ELPIS, que envolve cerca de Faculdades de Direito, em quase todos os Estados-Membros da União Europeia (UE) e países da Associação Europeia de Comércio Livre (EFTA), que data de 1985. Estas quatro Universidades compõem o consórcio que atribui o grau de mestre.

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 2020/2021, o número de alunos *outgoing* duplicou em relação ao ano letivo anterior, mas os alunos ELPIS *incoming,* à semelhança das mobilidades ao abrigo do Programa Erasmus e Protocolos de Intercâmbio, diminuiu (Fig. 24).

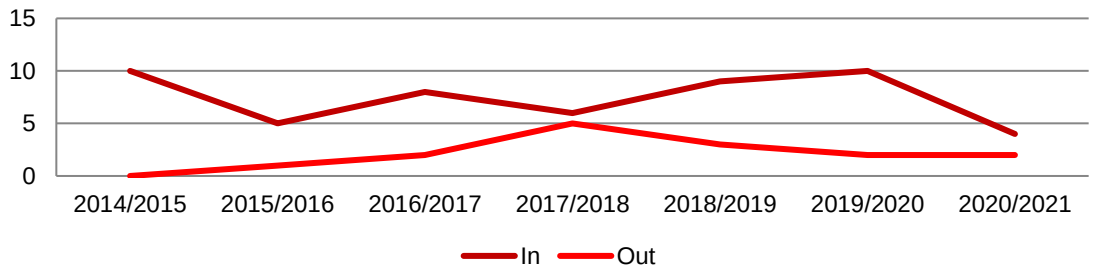

FIG. 24 EVOLUÇÃO DO NÚMERO DE ALUNOS EM MOBILIDADE DO MESTRADO CONJUNTO ELPIS

Dos 4 alunos da FDUL que realizaram ou pretendiam realizar o 2.º e/ou o 3.º semestre numa das instituições do consórcio do Mestrado ELPIS, as Universidades selecionadas foram as seguintes:

a) Gottfried Wilhelm Leibniz Universität Hannover – 3;
b) Mykolas Romeris University – 1.

Em 2020/2021, o número de candidaturas diminuiu face ao ano letivo 2019/2020, sendo que recebemos 8 candidaturas, das quais 7 foram aceites e 1 não foi colocado. Das 7 candidaturas aceites, apenas 3 alunos efetivaram a matrícula.

Importa referir que 3 dos alunos que realizaram um período de mobilidade numa das Universidades parceiras são alunos já admitidos no ano letivo 2019/2020. Um dos alunos admitidos no ano letivo 2020/2021 optou por realizar o 2.º semestre numa das Universidades do consórcio e irá realizar o 3.º semestre na mesma instituição. As outras duas alunas admitidas em 2020/2021 optaram por realizar o período de mobilidade no 2.º ano do ciclo de estudos.

PÓS-GRADUAÇÃO ERASMUS DE ATUALIZAÇÃO EM DIREITO EUROPEU, GLOBAL E COMPARADO

A Pós-graduação Erasmus de Atualização em Direito Europeu, Global e Comparado é uma oferta formativa especializada da Faculdade de Direito, com cariz internacional e lecionada em várias línguas.

O interesse manifestado por parte dos alunos e o crescente incentivo que tem vindo a ser dado à presença de professores e estudantes estrangeiros a nível dos cursos pós-graduados, levou à criação deste curso, que está assente na estratégia de internacionalização da Faculdade de Direito da ULisboa e beneficia da experiência da lecionação dos cursos intensivos, lecionados por docentes estrangeiros.

O plano de estudos da pós-graduação é composto pelo conjunto de Cursos Intensivos oferecidos pela Faculdade de Direito. Os alunos deverão obter um total de 60 ECTS:

- 42 ECTS, referentes aos Cursos Intensivos frequentados
- 18 ECTS, referentes a um trabalho escrito.

O trabalho escrito é elaborado individualmente e deve abordar qualquer um dos temas lecionados nos cursos intensivos frequentados.

No ano letivo 2020/2021, e pela primeira vez, uma aluna (de nacionalidade Neerlandesa) concluiu a Pós-Graduação Erasmus de Atualização em Direito Europeu, Global e Comparado através da frequência dos Cursos intensivos referidos anteriormente (42 ECTS) e da apresentação de um trabalho escrito final (18 ECTS), com 16 valores. Foi ainda inscrita uma aluna Portuguesa que está neste momento a concluir o trabalho final e será avaliado brevemente.

Neste sentido, e porque a frequência deste curso não confere nenhum título aos alunos que a frequentam, é possível que venha a ser equacionada a hipótese de converter esta Pós-Graduação num Mestrado.

/

CURSOS INTENSIVOS

Na sequência da adoção de um modelo de funcionamento em regime misto que pressupôs a combinação de atividades letivas presenciais e a distância e das restrições de viagem que se verificaram em vários países, foi decidido que os Cursos Intensivos seriam lecionados a distância, via Zoom, à semelhança do que foi feito no 2.º semestre do ano letivo 2019/2020.

No ano letivo 2019/2020 foram calendarizados 38 cursos intensivos, para os quais foram convidados 24 docentes estrangeiros, sendo que 4 lecionaram um curso ao abrigo do Programa Erasmus+ (dois no 1.º semestre e dois no 2.º semestre), 13 pertenciam à Faculdade de Direito da Universidade de Lisboa e 1 foi realizado no âmbito da iniciativa Lincoln Memorial/ELPIS Lectures:

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
Behavioural Law and Economics	2.ª	1.º	Rute Saraiva	FDUL
Public Finance: new global perspectives	2.ª	1.º	Guilherme Oliveira Martins	FDUL
Competition Law in the Digital Economy	2.ª	1.º	Miguel Moura e Silva	FDUL
International Human Rights Law	1.ª	1.º	Rui Guerra Fonseca	FDUL
EU Consumer Law	2.ª	1.º	Arndt Kühnnecke	Federal University of Applied Sciences for Public Administration
Introduction to EU Energy Law	2.ª	1.º	Ignacio Anchustegi	University of Bergen
Introduction to the History of Justice	2.ª	1.º	Isabel Graes	FDUL
International Aviation Law	6.ª	1.º	Regina Valutyte	Mykolas Romeris University
EU Administrative Procedural Law and Europanization of National Administrative Law	2.ª	1.º	Rui Lanceiro	FDUL
Bill of exchange: a contemporary comparative analysis between civil and common law traditions	2.ª	1.º	João Espirito Santo	FDUL
Right to Private and Family Life	2.ª	1.º	Dovilė Gailiūtė-Janušonė	Mykolas Romeris University
European and International Energy Law	3.ª	1.º	Claas Germelmann	Gottfried Wilhelm Leibniz Universität Hannover
EU Public Procurement Law - general approach and some remarks on procurement during the Covid crisis	2.ª	1.º	Miguel Assis Raimundo	FDUL

European Union Integration through Preliminary Ruling Procedures	2.ª	1.º	Ana Soares Pinto	FDUL
United States Constitutional Law: History, Theory and Practice	3.ª	1.º	Dane S. Ciolino	Loyola University College of Law (EUA)
The Law of Apps	2.ª	1.º	Pedro Lomba	FDUL
Philosophy of Law	5.ª	1.º	Alexandre Viala	Université Montepellier
European Union Administrative Law	2.ª	1.º	Lourenço Vilhena de Freitas	FDUL
Lincoln Memorial/ELPIS Lectures	1.ª	1.º	Rede ELPIS	Rede ELPIS
Brexit: Process and Impact on the law of EU, its Member States and the UK	2.ª	2.º	Jacques Ziller	Università degli Studi di Pavia
From comparative administrative law to common constitutional traditions	1.º	2.º	Giacinto Cananena	Università Bocconi
International Humanitarian Law	1.º	2.º	Ana Soares Pinto	FDUL
European Comparative Competition Law	7.ª	2.º	Bernd Oppermann	Gottfried Wilhelm Leibniz Universität Hannover
Modelos Federais e Desafíos ao Estado Federal: o proceso de secesión de cataluña no marco da unión europea	1.ª	2.º	Vicente Sanjurjo	Universidad de Santiago de Compostela
Asylum and Immigration Law and Policy of the European Union	5.ª	2.º	Jaap W- de Zwaan	Erasmus Unviersity Rotterdam
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	3.ª	2.º	Axel Kämmerer	Bucerius Law School
La Crisis del Estado de Derecho	4.ª	2.º	Fausto Vecchio	Università degli Studi di Kori di Enna
Construction Contracts in the System of German Civil Law	3.ª	2.º	Jochen Glockner	Universität Monstanz
Constitutional Justice in Europe	4.ª	2.º	Rainer Arnold	Universität Regensburg
Redes sociales, compañías tecnológicas y democracia	2.ª	2.º	Francisco Balaguer Callejón	Universidad de Granada
Globalisation and International Protection of Human Rights	7.ª	2.º	Marine Toullier	Université Rouend de Normandie
História e Teoria do Crime	7.ª	2.º	Cláudio Brandão	Universidade Federal de Pernambuco
Introduction to European Private Law	9.ª	2.º	Andreas Schwartze	University of Innsbruck

Introduction to the North American Constitution	8.ª	2.º	Russell Weaver	University of Louisville
Private Enforcement of EU Competition Law – the revolution is here	2.ª	2.º	Miguel Sousa Ferro	FDUL
Introduction to the Law of the United States	10.ª	2.º	Patrick Hugg	Loyola University College of Law (EUA)
Litigation in Economic International Law	7.ª	2.º	Millán Requena Casanova	Universitá di Alicante
Legal Theory and Legal Ethics: the Dispute about the Good Lawyer	2.ª	2.º	Massimo La Torre	Università di Catanzaro

TABELA 5. CURSOS INTENSIVOS 2020/2021

No total foram lecionados 38 cursos intensivos durante o ano letivo 2020/2021:

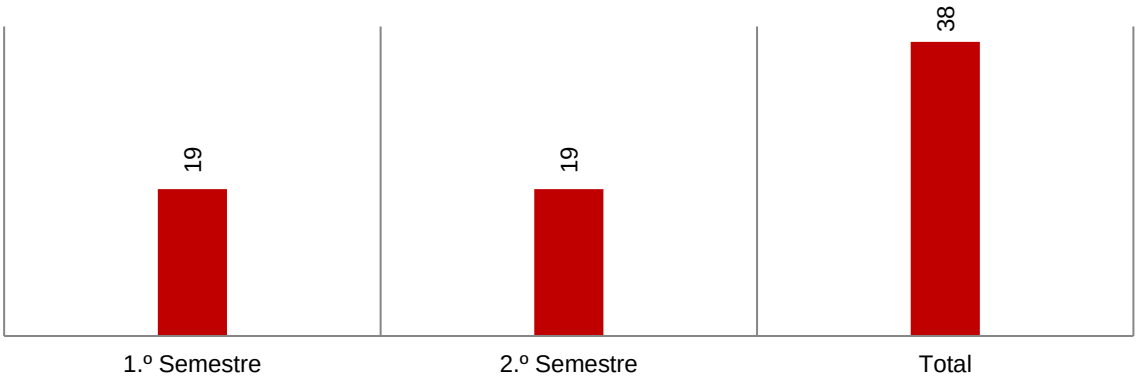

FIG. 25 CURSOS INTENSIVOS 2019/2020

Os cursos intensivos, sendo lecionados por docentes estrangeiros, são necessariamente lecionados numa língua estrangeira, sendo que a língua preferencial de lecionação é o inglês (92%).

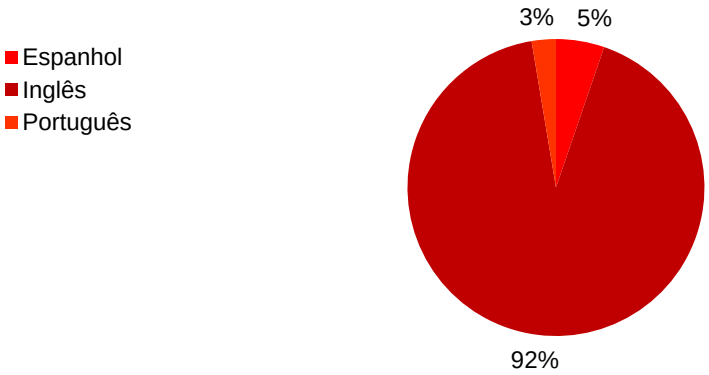

FIG. 26 LINGUAS EM QUE OS CURSOS SÃO LECIONADOS.

A origem dos docentes que lecionam os cursos é muito variada, não havendo predominância de um país específico; no entanto, podemos destacar Portugal, a Alemanha, Itália, Espanha e EUA como os países de origem com mais docentes convidados (Fig. 27).

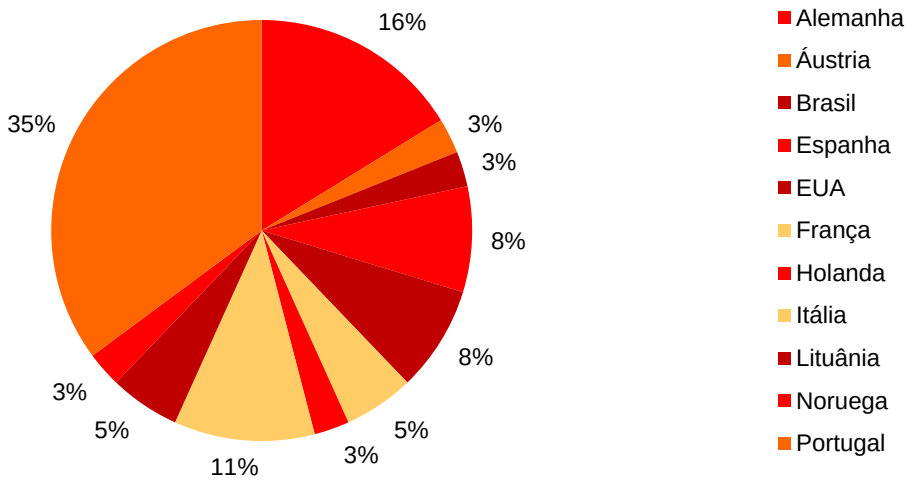

FIG. 27 PAÍS DE ORIGEM DOS DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

Dada a suspensão das atividades letivas presenciais e à lecionação de cursos online por docentes da FDUL, o número de docentes portugueses (13) aumentou significativamente em relação aos anos anteriores, confirmando-se ainda a tendência de os Professores convidados preferirem lecionar os Cursos Intensivos no 2.º semestre.

Se considerarmos que o sistema de candidaturas através do Portal Fenix foi alterado, sendo que os alunos se inscreveram em tempo real nos cursos que pretendiam frequentar, verificamos que o número de alunos inscritos aumentou significativamente em comparação ao ano letivo anterior. No ano letivo 2020/2021 foram inscritos 825 alunos em comparação com os 527 que se inscreveram em 2019/2020, sendo que houve 30 cancelamentos antes dos cursos começarem.

É importante ainda referir que os alunos em mobilidade também se podem inscrever nos cursos intensivos, resultando num total de 1203[19] (Fig. 28), o que representa um aumento global de 202 alunos em relação ano letivo 2019/2020, no qual se inscreveram 1001 alunos.

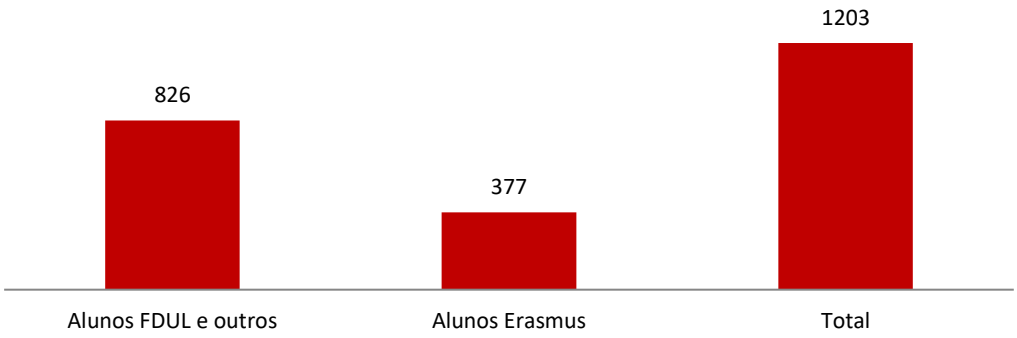

FIG. 28 NÚMERO DE ALUNOS INSCRITOS ,

[19] Anexo 17 – Cursos Intensivos 2020/2021

De acordo com a Fig. 29, os cursos mantiveram em média uma turma de cerca de 31 alunos, tendo havido turmas maiores no segundo semestre, dado que o número de alunos de mobilidade aumentou ligeiramente em comparação com o 1.º semestre:

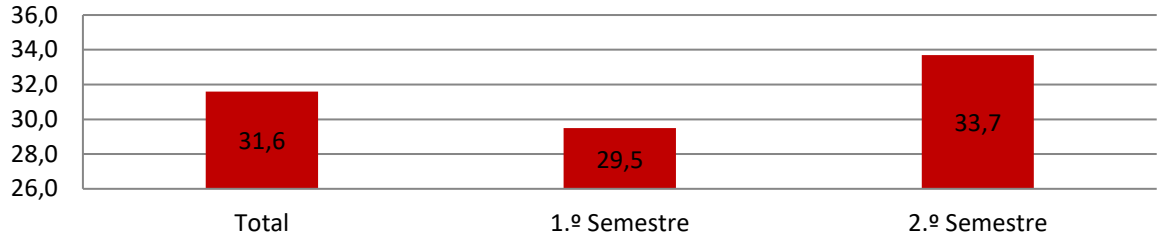

FIG. 29 NÚMERO MÉDIO DE ALUNOS POR TURMA

De acordo com a Fig. 30, dos 1203 alunos inscritos, verificamos que foram avaliados 909 alunos, com uma média final de 14,57[20], sendo que 279 alunos não foram avaliados, cancelaram ou desistiram do curso e 15 foram reprovados. Em relação ao ano letivo 2019/2020 houve mais alunos avaliados e menos alunos aprovados, mas o número de cancelamentos, desistências e alunos não avaliados também aumentou significativamente[21].

FIG. 30 ANÁLISE DA FREQUÊNCIA DOS CURSOS INTENSIVOS

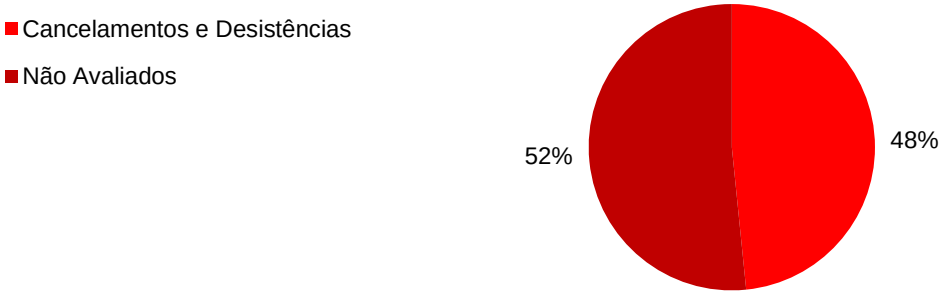

FIG. 31 CANCELAMENTOS, DESISTÊNCIAS E NÁO AVALIADOS

No caso dos alunos da Licenciatura em Direito e do Mestrado em Direito e Prática Jurídica, a frequência de dois cursos intensivos permite solicitar a substituição de uma unidade curricular optativa. No ano letivo 2020/2021 foram submetidos 233 pedidos de substituição, mais 83 do que no ano letivo 2019/2020.

[20] Anexo 17 - Cursos Intensivos 2020/2021
[21] Anexo 17 – Cursos Intensivos 2020/2021

As unidades curriculares optativas mais substituídas foram as seguintes:

UC Optativa	Substituições
Direito Administrativo III	20
União Económica e Monetária	18
Direito dos Contratos II	18
Direito Penal III	14
Direito dos Mercados Financeiros	14
Direito Comercial III	13
Direito do Ambiente	13
Justiça Constitucional	11
Contencioso da União Europeia	10
Direito Marítimo	9
Direito do Urbanismo	9
Proteção Internacional dos direitos do homem	9
Economia Internacional	8
Direito Comparado	7
Direito do Meio Ambiente	6
Direito Internacional Público II	6
Direito Fiscal Internacional	4
Direito Internacional Publico II	3
História das Ideias Políticas	3
Direito da Economia	3
Direito Internacional Economico	3
Direito Internacional Económico	3
Direito Internacional Privado II	2
Dirieto Administrativo III	2
Direitos do Homem	2
Ciência Política	2
Contecioso da União Europeia	1
Direito Mercados Financeiros	1
Direito Internacinal Economico	1
Direito Administrativo dos Bens	1
Historia das Relações Internacionais	1
Contratos II	1
Mercados Financeiros	1
Filosofia do Direito	1
Direitos dos Contratos II	1
Historia das ideias políticas	1
Direito Internacional Fiscal	1

TABELA 6 - SUBSTITUIÇÃO DE UNIDADES CURRICULARES POR CURSOS INTENSIVOS

Foram usados cerca de 130 cursos intensivos para solicitar a substituição de uma UC optativa, sendo que os cursos mais usados foram:

Cursos Intensivos	Substituição de UC Optativa
Introduction to European Private Law	6
European and Comparative Competition Law	6
Introduction to the North American Constitution	5
La Crisis del Estado de Derecho	5
From Comparative Administrative Law to Common Constitutional Traditions	4
Litigation in Economic International Law	4
European Union Administrative Law	4
International Aviation Law	4
The Law of Apps	3
Competition Law in the Digital Economy	3

TABELA 7 - CURSOS INTENSIVOS USADOS PARA SUBSTITUIR UMA UC OPTATIVA

MOOT COURTS [22]

Moot Court	Data	Local	Organização	Equipa	Treinadores	Resultado
European Law Moot Court Competition	29/01 – 02/02	Online	ELMC Society	Miguel Líbano Monteiro de Almeida Santos	Rui Tavares Lanceiro	
				Pedro Henrique de Almeida Fernandes	David Brito	
				Rita Isabel Lopes Pereira Pedroso Ferreira	Ana Sofia Rolim	
				Rodrigo Saldanha de Matos David		
The Philip C. Jessup Moot Court Competition	15/03 – 16/04	Online	International Law Students Association	Carolina Rosa de Almeida Grande	Rui Tavares Lanceiro (Treinador)	Campeã das *Intercontinental Friendly Rounds* (18 valores)
				Laura Mayer Mendonça de Lima Garção	Diogo Santana Lopes (Treinador)	
				Teresa Ferreura da Fonseca Pinto	Paulo Simões Ramos (Advisor)	
				Leonor Prisca Martins Ferreira	Bernardo Kahn (Advisor)	
				Gonçalo Alexandre Pacheco Vilela	Leonor Catela (Advisor)	
24th Annual Willem C. Vis International Commercial Arbitration Moot	27/03 – 01/04	Onlinw	Association for the Organisation and Promotion of the Willem C. Vis International Commercial Arbitration Moot	Diogo Madeira Canário	José Ferreira Gomes (Treinador)	Fase Eliminatória (18 valores)
				Inês Costa Bastos	Filipe Rocha Vieira (Advisor)	
				Rita Albuquerque Santos	Catarina Coelho (Advisor)	
				Tomás Pereira Rebelo	Carolina Nagy (Advisor)	

[22] Devido à pandemia Covid-19, todos os Moot Courts foram realizados a distância.

					António Pestana de Araújo (Advisor)	

No dia 7 de março de 2021, a equipa portuguesa para o *Philip C. Jessup International Law Moot Court Competition*, composta pelos alunos supramencionados, sagrou-se, pela primeira vez na história da competição, vencedora das *Intercontinental Friendly Rounds.*

As rondas em causa, preparatórias da fase internacional, incluíram equipas representantes da Bulgária, Eslovénia, França, Letónia, Malásia e Suécia, tendo sido avaliadas por mais de 90 juízes originários da África do Sul, Alemanha, Argentina, Brasil, Bielorrússia, Bulgária, Canadá, Colômbia, Coreia do Sul, Estados Unidos da América, França, Irlanda do Norte, Hong Kong, Hungria, Irão, Itália, Honduras, Japão, Malásia, Rússia, Paquistão, Portugal e Ucrânia.

O *Philip C. Jessup International Law Moot Court Competition* é organizado pela *International Law Students Association* ("ILSA"), consistindo no maior *moot court* a nível mundial, o qual, tipicamente, conta com a participação de aproximadamente 700 universidades provindas de cerca de 100 jurisdições.

REDE ELPIS

Na sequência da adoção de um modelo misto de aprendizagem e ensino, com atividades letivas presenciais online, da suspensão das atividades letivas presenciais e das restrições de viagem em vigor que marcaram o ano letivo 2020/201, foi necessário procurar novas iniciativas pedagógicas com o objetivo de promover a colaboração, a participação e a integração das Universidades parceiras da FDUL e de estudantes estrangeiros e nacionais. Neste sentido foram criadas as seguintes iniciativas:

INICIATIVAS NO ÂMBITO ACADÉMICO

a) "FDUL/LINCOLN Students Research Online Interchange", iniciativa criada em parceira com a Lincoln Memorial University | Duncal School of Law, na qual 60 estudantes (30 Norte-Americanos e 30 Portugueses) participaram num projeto conjunto de investigação. O projeto consistiu na associação de todos os estudantes selecionados em pares escolhidos aleatoriamente (um estudante da FDUL e outro da LMU) para investigarem em conjunto sobre um tema de Direito Comparado (Portugal/EUA).

INICIATIVAS NO ÂMBITO DA INVESTIGAÇÃO

a) Criação da "ELPIS v-Law Review", a primeira revista científica jurídica em formato de vídeo, que visa retratar a atividades do "ELPIS Research" que em conjunto com o "ELPIS Master", integra a "ELPIS Network", a maior rede de ensino e investigação na área de Direito, da qual a FDUL faz parte. Durante o ano letivo 2020/2021 foram lançados dois volumes:
    a. **«10 to 15 Minutes on: The effect of the "corona virus" in Global, European and National Law»,** dedicado à análise dos problemas jurídicos causados pelo COVID-19, numa perspetiva nacional europeia e global, aproveitando o trabalho e a investigação científica produzida por Professores de Direito de Universidades de mais de 40 países;
    b. **"Through the Looking Glass: Law in Europe and America"**, que visa discutir as semelhanças/diferenças e influências/divergências entre o Direito Americano e Europeu (do passado, presente e futuro), nas várias áreas de especialidade dos Professores de Direito que participaram neste volume.

    Ambos os volumes estão disponíveis para consulta no site da Rede ELPIS e do Canal do YouTube, criado com o objetivo de dar maior alcance à ELPIS v-Law Review.
b) Realização do "Lincoln Memorial/ELPIS Lectures", que consistiu num conjunto de quatro videoconferências sobre temas de Direito Comparado EUA/Europa, organizada pela Gottfried Wilhelm Leibniz Universität Hannover, na qual participaram alunos das 35 Universidades integrantes do consórcio, em especial da Lincoln Memorial University, da Universitè de Roeun de Normandie e da Faculdade de Direito da Universidade de Lisboa;
c) Organização de uma conferência europeia conjunta subordinada ao tema do "Plano Europeu de Recuperação e de Resiliência", com o título: «The European Union's Extraordinary Measures facing the Actual Economic Crisis and the Difficulties of the Member States». Nesta conferência participaram o Professor Massimo Luciani, (Sapienza - Università di Roma), o Professor Claas Germelamnn (Gottfried Wilhelm Leibniz Universität Hannover), a Professora Sylvia Brunet (Universitè Roeun de Normandie), Professor Francisco Balaguer Callejón (Universidad de Granada), a Professoa Dövolle Janusone (Mykolas Romeris University) e o Professor Vasco Pereira da Silva (Faculdade de Direito da Universidade de Lisboa).

CONCLUSÃO

À semelhança do ano letivo 2019/2020, o ano académico 2020/2021 foi um bastante atípico e desafiante devido à pandemia COVID-19 e às medidas de prevenção adotadas qu,e tiveram um profundo impacto na organização e gestão de trabalho das instituições.

No ano letivo 2020/2021, notou-se uma quebra acentuada no número de mobilidades, tanto *incoming* como *outgoing*, com especial destaque para as mobilidades *outgoing*. No ano letivo 2019/2020 realizaram-se cerca de 69 mobilidades no 1.º semestre, 31 no 2.º semestre e 6 *full year,* num total de 106 mobilidades. No ano letivo 2020/2021, pelo contrário, num total de 289 colocações, realizaram-se apenas 74 mobilidades, 46 no 1.º semestre, 22 no 2.º semestre e 6 *full yearI,* sendo que as mobilidades para países fora da União Europeia foram inteiramente suspensas devido às restrições de viagens. Em relação às mobilidades *incoming*, num total de 363 nomeações, foram submetidas 289 candidaturas e matriculados 166 alunos, 54 no 1.º semestre, 90 no 2.º semestre e 22 *full year*, o que representa um decréscimo significativo em relação ao ano letivo 2019/2020, no qual recebemos 513 candidaturas e matriculámos 384 alunos. Na totalidade, a FDUL teve 240 mobilidades *incoming* e *ougoing*.

No entanto, ainda que o número de mobilidades tenha diminuído, o número total de estudantes de intercâmbio da FDUL continuou a ser elevado, sendo mesmo superior ao verificado em muitas outras Faculdades de Direito, algumas das quais suspenderam as mobilidades ao abrigo do Programa Erasmus+ e outros programas de intercâmbio .É importante ainda salientar que o número de mobilidades para o ano letivo 2021/202, tanto o*utgoing* como *incoming*, aumentou significativamente, sendo que a expectativa é aproximar-nos dos números verificados nos anos letivos anteriores e retomar a tendência crescente do número de mobilidades na FDUL.

Considerando as circunstâncias excecionais e a profundo sentimento de incerteza que definiu o ano letivo 2020/2021, o balanço revelou-se positivo, não só pela rapidez e eficiência com que os professores e alunos se adaptaram a estes novos métodos de ensino e aprendizagem, mas também pelo modo de funcionamento do GERI, que foi capaz de assegurar e concretizar todas as tarefas a que se propôs, ainda que a sua atividade tenha sido realizada maioritariamente a distância. Ainda neste ponto, é importante referir o apoio que foi prestado aos alunos *incoming* que testaram positivo à COVID-19 e aos alunos que estiveram em isolamento profilático, tanto no que diz respeito ao acesso às aulas, mas também na época de avaliações.

Durante o ano letivo 2020/2021, o atendimento ao público foi sofrendo alterações consoante as medidas de prevenção em vigor, mas de forma geral, foi dada prioridade ao atendimento via email e pelo Zoom, mediante agendamento prévio. O atendimento ao público foi mantido entre uma a duas vezes por semana, também mediante agendamento prévio, de modo a evitar aglomerados no corredor que dá acesso ao GERI. Ainda que o atendimento via email e Zoom não substitua de forma alguma o atendimento presencial, a rápida capacidade de resposta e prontidão dos funcionários do GERI em atender as várias solicitações por parte dos alunos, professores e Universidades parceiras, veio garantir que a gestão de trabalho diária do GERI manteve um nível de qualidade elevado e eficaz. No entanto, é importante referir que a experiência humana e o contacto com os alunos irá ficar inevitavelmente afetada pelos condicionantes já referidos, especialmente se considerarmos o apoio prestado presencialmente na fase inicial de integração na comunidade académica da FDUL, não só no que diz respeito aos processos de inscrição e seleção de horários, mas também a questões mais práticas que levam os alunos a dirigir-se ao GERI em busca de apoio.

No que diz respeito às atividades de Relações Internacionais desenvolvidas pelo GERI, ainda que as mudanças introduzidas e o recurso às tecnologias digitais tenham facilitado os contactos numa primeira instância, a nível cultural e académico, não substituem os encontros e as trocas de experiências presenciais, embora esta nova realidade tenha levado à criação de novas iniciativas que serão repetidas no ano letivo 2020/2021.

ANEXOS

Anexo 1 | Lista de Protocolos em vigor e assinados em 2019/2020

País	Nome da instituição
Alemanha	Bucerius Law School
Alemanha	Freie Universität Berlin
Alemanha	Gottfried Wilhelm Leibniz Universität Hannover
Alemanha	Humboldt Universität zu Berlin
Alemanha	Johann Wolfgang Goethe-Universität Frankfurt am Main (*)
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 Mannheim
Alemanha	Universität Regensburg
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	Université Catholique de Louvain - Faculté de droit et de criminologie
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
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 Extremadura
Espanha	Universidad de Granada
Espanha	Universidad de Huelva
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 Autónoma de Barcelona
Espanha	Universitat de Girona
Espanha	Universitat de València
Espanha	Universitat Pompeu Fabra
Espanha	University of Salamanca
Estónia	University of Tartu
EUA	Loyola University New Orleans College of Law
EUA	University of Louisville

Finlândia	Tallin University / Tallinna Ulikool
Finlândia	University of Turku
França	Paris Descartes University
França	Université de Bordeaux (*)
França	Université de Bourgogne
França	Université de Cergy-Pontoise
França	Université de Le Havre
França	Université de Rouen
França	Université de Strabourg
França	Université Grenoble Alpes
França	Université Paris 13
França	Université Paris II Pantheon Assas (*)
França	Université Paris Ouest Nanterre La Défense
França	Université Paris-Est Créteil (*)
França	Université Paris-Sud
França	Université Toulouse 1 Capitole
Grécia	Aristotle University of Thessaloniki
Grécia	University of Macedonia
Holanda	Erasmus University Rotterdam
Holanda	Maastricht University
Holanda	Radboud University Nljmegen
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 Cagliari
Itália	Università Degli Studi di Enna "Kore"
Itália	Università degli studi di Genova
Itália	Università Degli Studi di Macerata (*)
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
Polónia	Kozminski University
Polónia	SGH Warsaw School of Economics
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
Alemanha	Universität Mannheim
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
Sérvia	University of Belgrade (*)
Suiça	University of Lucerne
Suíça	University of Fribourg
Turquia	Analadou University
Turquia	Beykent University Istanbul
Turquia	ÇaG University

Turquia	Istambul Sabahattin zaim University
Turquia	Koç 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
Total	**175**

(*) Acordos Interinstitucionais assinados no ano letivo 2020/2021

Anexo 2 | Alunos *Incoming* inscritos por Universidade de Origem

Universidade de Origem	1.º Sem	2.º Sem	FY	Total
Gottfried Wilhelm Leibniz Universität Hannover	6	1	4	11
Université Rouen de Normandie	10			10
Université Catholique de Louvain-la-Neuve		7		7
Eötvös Loránd University	3	2		5
Faculdade de Direito de Franca		4		4
Università degli Studi di Milano		4		4
Università degli Studi di Napoli "Parthenope"		4		4
Universitá degli Studi di Sassari	2	1	1	4
Universität Hamburg	1	1	2	4
University of Belgrade		4		4
University of Bergen	1	3		4
University of Zagreb		4		4
Comenius Bratislava University		3		3
Jagiellonian University	2	1		3
Ludwig-Maximilians-Universität München		3		3
Universidad de Granada			3	3
Universität Leipzig	1	1	1	3
University of Groningen	3			3
Westfälische Wilhelms-Universität Münster		3		3
Adam Mickiewicz University in Poznań	1	1		2
Humboldt Universität zu Berlin	2			2
Istanbul Sabahattin Zaim University		2		2
Kozminski University	2			2
Mykolas Romeris University		2		2
Palacký University in Olomouc	1	1		2
Pontifícia Universidad Católica do Chile		2		2
RheinAhrCampus Remagen - Koblenz University of Applied Sciences		2		2
Universidad Carlos III de Madrid			2	2
Universidad de Oviedo			2	2
Universidad de Valladolid			2	2
Università degli Studi di Genova	1	1		2
Università degli Studi di Napoli Federico II		2		2
Università degli Studi di Trento	1	1		2
Universitat de Barcelona	2			2
Universitat Pompeu Fabra		2		2
Universität zu Köln		2		2
Université Paris-Saclay			2	2
Université Toulouse 1 Capitole		2		2
University of Warsaw		2		2
Windesheim University of Applied Sciences		2		2

Aristotle University of Thessaloniki		1		1
Centro Universitário de Curitiba		1		1
Charles University in Prague		1		1
Faculdade Baiana de Direito e Gestão		1		1
Faculdade Católica Imaculada Conceição do Recife		1		1
Fundação Getúlio Vargas - Rio de Janeiro	1			1
Galatasaray University	1			1
Maastricht University	1			1
Paris Lodron University of Salzburg	1			1
Ruhr-Universität Bochum		1		1
Sofia University "St. Kliment Ohridski"			1	1
Tallinn University	1			1
Universidad Autonoma de Madrid			1	1
Universidad Complutense de Madrid		1		1
Universidad de Murcia		1		1
Universidad Miguel Hernández de Elche		1		1
Universidade Luterana do Brasil	1			1
Universidade Presbiteriana Mackenzie		1		1
Università degli Studi di Milano-Bicocca	1			1
Università degli Studi di Padova		1		1
Università degli Studi di Roma Tre		1		1
Università degli Studi Suor Orsola Benincasa		1		1
Università di Pisa	1			1
Universität Konstanz			1	1
Universität of Bayreuth		1		1
Université de Bordeaux		1		1
Université de Bourgogne		1		1
Université Libre de Bruxelles	1			1
Université Paris Nanterre	1			1
University of Bialystok	1			1
University of Latvia		1		1
University of Ljubljana		1		1
University of Lodz	1			1
University of Macedonia		1		1
University of Maribor	1			1
University of Rzeszów	1			1
University of Turku		1		1
University of Zürich	1			1
Total	54	90	22	166

Anexo 3 | Alunos *Incoming* por País de Origem

País	1.º Semestre	2.º Semestre	Full Year	Total
Alemanha	10	15	8	33
Itália	6	16	1	23
Espanha	2	5	10	17
França	11	4	2	17
Polónia	8	4		12
Brasil	2	8		10
Bélgica	1	7		8
Holanda	4	2		6
Hungria	3	2		5
Croácia		4		4
Noruega	1	3		4
Sérvia		4		4
Eslováquia		3		3
República Checa	1	2		3
Turquia	1	2		3
Chile		2		2
Eslovénia	1	1		2
Grécia		2		2
Lituânia		2		2
Áustria	1			1
Bulgária			1	1
Estónia	1			1
Finlândia		1		1
Letónia		1		1
Suíça	1			1
Total	54	90	22	166

Anexo 4 | Alunos *Incoming* por Nacionalidade

Nacionalidade	Alunos
Alemanha	27
Bélgica	9
Brasil	10
Bulgária	1
Chile	2
Colômbia	1
Congo	1
Croácia	4
Eslováquia	3
Eslovénia	2
Espanha	16
Estónia	1
Finlândia	1
França	15
Grécia	2
Holanda	2
Hungria	5
Itália	24
Letónia	1
Moçambique	1
Noruega	4
Polónia	12
Portugal	3
República Checa	3
Sérvia	4
Síria	5
Suíça	1
Turquia	4
Ucrânia	2
Total	**166**

Anexo 5 | Alunos *Incoming* por Género e Idade

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	34	55	14	103
Masculino	20	35	8	63
Total	54	90	22	166

Idade	Total
20	1
21	18
22	33
23	42
24	42
25	7
26	12
27	4
29	1
31	2
32	2
42	1
46	1
Total Geral	**166**

Anexo 6 | Alunos *Incoming* inscritos por disciplina

Curso	Código	Unidade Curricular	Alunos
Licenciatura em Direito	103	Economia I	3
	106	Direito Administrativo I	11
	112	Direito Processual Civil I	3
	114	Direito Internacional Público I	37
	115	Direito Fiscal	3
	116	Direito da Economia	3
	117	Direito Comercial I	4
	119	Direito da Família	6
	121	História Do Pensamento Jurídico	31
	127	Direito Do Trabalho I	11
	129	Medicina Legal	6
	130	História Das Relações Internacionais	34
	132	Direito Romano	8
	133	Direito Internacional Privado I	12
	134	Direito Internacional Económico	16
	138	Direitos Fundamentais	49
	143	Ciência Politica	8
	147	Direito Comparado	57
	149	Direito Processual Civil III	2
	155	Economia Internacional	14
	157	Direito Do Urbanismo	1
	202	História Do Direito Português	3
	203	Economia II	3
	205	Teoria Geral Do Direito Civil II	1
	206	Direito Administrativo II	14
	210	Finanças Públicas	2
	212	Direito Processual Civil II	2
	213	Direitos Reais	5
	217	Direito Comercial II - Sociedades Comerciais	4
	220	Direito Das Sucessões	2
	227	Direito Do Trabalho II	2
	228	Direito Processual Penal	6
	231	Filosofia Do Direito	7
	233	Direito Internacional Privado II	1
	239	Direito Penal II	2
	251	Direito da União Europeia	28
	252	Sociologia Do Direito	19
	253	História Das Ideias Políticas	13
	256	Direito Dos Mercados Financeiros	8
	258	Justiça Constitucional	3

Curso	Código	Unidade Curricular	Alunos
	260	União Económica e Monetária	6
	263	Contencioso da União Europeia	23
	264	Direito Fiscal Internacional	1
	268	Direito Do Ambiente	71
	275	Direito Marítimo	4
	282	Contencioso Administrativo E Tributário	10
	306	Direito Administrativo III	3
	310	Proteção Internacional dos Direitos do Homem	7
	314	Direito Internacional Público II	5
	317	Direito Comercial III	11
	339	Direito Penal III	1
Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	25
	3003	Contratação Pública e Concorrência	6
	3008	Introdução ao Direito da Concorrência	9
	3010	Regulação Financeira	2
	3016	Tributação das Empresas	13
	3033	Direito Internacional dos Direitos Humanos)	1
	3050	Direito das Nações Unidas	25
	3053	Justiça Internacional	16
	3055	Direito Diplomático e Consular	1
	3057	Organizações Internacionais	36
	3063	Direito da Insolvência	1
	3068	Contencioso da União Europeia	25
	3069	Direito dos Menores	1
	3073	Direito Comercial IV	1
	3075	Direito da Arbitragem e da Mediação I	1
	3078	Direito do Trabalho III	1
	3081	Direito da Arbitragem e da Mediação II	1
	3084	Medida da Pena e Direito da Execução das Penas	1
	3086	Direito Penal V	1
Total			**753**

Anexo 7 | Lista das unidades curriculares lecionadas em Inglês

Sem.	Ciclo	Ano	Unidade Curricular (PT)	Unidade Curricular (ENG)	Docente
1.º	Licenciatura em Direito	1.º	Direito Romano	Roman Law	Professora Ana Caldeira Fouto
		2.º	Direito Administrativo I	Administrative Law I	Professor Doutor Francisco Paes Marques
			Direito Comparado	Comparative Law	Dra. Catarina Granadeiro
			Direito Internacional Público I	International Public Law	Professor Doutor Lourenço Vilhena de Freitas
			Direito Internacional Público I	International Public Law	Professor Doutor Jaime Valle
			História do Pensamento Jurídico	History of Legal Philosophy	Professora Doutora Isabel Graes
			História das Relações Internacionais	History of International Relations	Professora Ana Caldeira Fouto
		3.º	Economia Internacional	International Economy	Professor Doutor Miguel Sousa Ferro
		4.º	Contencioso da União Europeia	European Union Procedural Law	Professor Doutor Rui Tavares Lanceiro
			Direito do Ambiente	Environmental Law	Professor Hong Cheng Leong
			Direito do Trabalho I	Labour Law	Professor Doutor Guilherme Dray
			Direito Internacional Público II	InternationalPublic Law II	Professor Doutor Fernando Loureiro Bastos
			União Económica e Monetária	Economic and Monetary Union	Professora Doutora Nazaré da Costa Cabral
			Contencioso Administrativo e Tributário	Administrative Justice	Professor Doutor Miguel Assis Raimundo
	MDPJ	1.º	Contratação Pública e Concorrência	Public Procurement and Competition	Professor Doutor Nuno Cunha Rodrigues
			Direito das Nações Unidas	United Nations Law	Professora Doutora Ana Soares Pinto
			Direito e Economia	Economy and Law	Professora Doutora Paula Vaz Freire
			Justiça Internacional	International Justice	Professora Margarida Salema Martins
			Introdução ao Direito da Concorrência	Introduction to Competition Law	Professor Doutor Miguel Moura e Silva

2.º	Licenciatura em Direito	1.º	História das Ideias Políticas	History of Political Thought	Professora Ana Caldeira Fouto
			Sociologia do Direito	Sociology of Law	Professora Francisca Soromenho
		2.º	Direito Administrativo II	Administrative Law II	Professor Doutor Francisco Paes Marques
			Direito Comparado	Comparative Law	Mestre Catarina Granadeiro
			Direito da União Europeia	European Union Law	Professor Doutor Miguel Mota Delgado
			História das Relações Internacionais	History of International Relations	Professora Francisca Soromenho
			História do Pensamento Jurídico	History of Legal Philosophy	Professora Isabel Graes
		3.º	Direito Internacional Económico	International Economic Law	Professor Doutor Miguel Moura e Silva
		4.º	Direito do Ambiente	Environmental Law	Professor Doutor Rui Tavares Lanceiro
			Direitos Fundamentais	Fundamental Rights	Professor Doutor Pedro Lomba
	MDPJ	1.º	Contencioso da União Europeia	European Union Procedural Law	Professora Doutora Ana Soares Pinto
			Organizações Internacionais	International Organizations	Professora Doutora Margarida Salema
			Tributação de Empresas	Corporate Taxation	Professor Doutor Carlos Lobo

Anexo 8 | Número de alunos *incoming* por unidades curriculares lecionadas em inglês

Curso	Código	Unidade Curricular	Alunos
Licenciatura em Direito	130	História Das Relações Internacionais	29
	263	Contencioso da União Europeia	18
	282	Contencioso Administrativo E Tributário	8
	106	Direito Administrativo I	10
	114	Direito Internacional Público I	30
	121	História Do Pensamento Jurídico	29
	127	Direito Do Trabalho I	11
	132	Direito Romano	8
	134	Direito Internacional Económico	11
	138	Direitos Fundamentais	39
	147	Direito Comparado	46
	206	Direito Administrativo II	3
	251	Direito da União Europeia	26
	252	Sociologia Do Direito	13
	253	História Das Ideias Políticas	11
	260	União Económica E Monetária	6
	268	Direito Do Ambiente	51
	314	Direito Internacional Público II	4
Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	25
	3003	Contratação Pública e Concorrência	6
	3008	Introdução ao Direito da Concorrência	8
	3016	Tributação das Empresas	13
	3050	Direito das Nações Unidas	24
	3053	Justiça Internacional	14
	3057	Organizações Internacionais	35
	3068	Contencioso da União Europeia	25
		Total	**503**

Anexo 9 | Média de avaliações dos alunos *incoming* por disciplina

Curso	Código	Unidade Curricular	Média
Licenciatura em Direito	103	Economia I	11
	106	Direito Administrativo I	11,8
	112	Direito Processual Civil I	15
	114	Direito Internacional Público I	10,7
	115	Direito Fiscal	10
	116	Direito da Economia	12,3
	117	Direito Comercial I	11
	119	Direito da Família	12,2
	121	História Do Pensamento Jurídico	14,8
	127	Direito Do Trabalho I	7,9
	129	Medicina Legal	13
	130	História Das Relações Internacionais	14,4
	132	Direito Romano	7,9
	133	Direito Internacional Privado I	10,1
	134	Direito Internacional Económico	13
	138	Direitos Fundamentais	10,7
	143	Ciência Politica	12
	147	Direito Comparado	11,9
	149	Direito Processual Civil III	13,5
	155	Economia Internacional	11,1
	157	Direito Do Urbanismo	5
	202	História Do Direito Português	13,5
	203	Economia II	15,5
	205	Teoria Geral Do Direito Civil II	0
	206	Direito Administrativo II	14,2
	210	Finanças Públicas	15,5
	212	Direito Processual Civil II	16,5
	213	Direitos Reais	13,6
	217	Direito Comercial II - Sociedades Comerciais	10,5
	220	Direito Das Sucessões	12,5
	227	Direito Do Trabalho II	14
	228	Direito Processual Penal	14,2
	231	Filosofia Do Direito	14,5
	233	Direito Internacional Privado II	12
	239	Direito Penal II	12
	251	Direito da União Europeia	10,6
	252	Sociologia Do Direito	13,4
	253	História Das Ideias Políticas	11,8
	256	Direito Dos Mercados Financeiros	10,1
	258	Justiça Constitucional	15

Curso	Código	Unidade Curricular	Média
	260	União Económica e Monetária	12,1
	263	Contencioso da União Europeia	13,3
	264	Direito Fiscal Internacional	10
	268	Direito Do Ambiente	14,6
	275	Direito Marítimo	10,5
	282	Contencioso Administrativo E Tributário	15,3
	306	Direito Administrativo III	14
	310	Proteção Internacional dos Direitos do Homem	11,7
	314	Direito Internacional Público II	14,6
	317	Direito Comercial III	14,1
	339	Direito Penal III	9
Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	15,1
	3003	Contratação Pública e Concorrência	9,4
	3008	Introdução ao Direito da Concorrência	12
	3010	Regulação Financeira	12
	3016	Tributação das Empresas	16,6
	3033	Direito Internacional dos Direitos Humanos)	15
	3050	Direito das Nações Unidas	14,9
	3053	Justiça Internacional	14,4
	3055	Direito Diplomático e Consular	14
	3057	Organizações Internacionais	14,5
	3063	Direito da Insolvência	0
	3068	Contencioso da União Europeia	12,7
	3069	Direito dos Menores	14
	3073	Direito Comercial IV	18
	3075	Direito da Arbitragem e da Mediação I	17
	3078	Direito do Trabalho III	0
	3081	Direito da Arbitragem e da Mediação II	13
	3084	Medida da Pena e Direito da Execução das Penas	14
	3086	Direito Penal V	14
		Total	**12,4**

Anexo 10 | Média de avaliações dos alunos *incoming* nas disciplinas lecionadas em inglês

Curso	Código	Disciplina	Média
Licenciatura em Direito	130	História Das Relações Internacionais	14,4
	263	Contencioso da União Europeia	14,2
	282	Contencioso Administrativo E Tributário	15,7
	106	Direito Administrativo I	11,8
	114	Direito Internacional Público I	11,2
	121	História Do Pensamento Jurídico	15,3
	127	Direito Do Trabalho I	7,2
	132	Direito Romano	7,9
	134	Direito Internacional Económico	12,3
	138	Direitos Fundamentais	11,4
	147	Direito Comparado	10,2
	206	Direito Administrativo II	15,3
	251	Direito da União Europeia	10,4
	252	Sociologia Do Direito	13,2
	253	História Das Ideias Políticas	11,5
	260	União Económica E Monetária	12,1
	268	Direito Do Ambiente	14,7
	314	Direito Internacional Público II	14,2
Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	15,2
	3003	Contratação Pública e Concorrência	9,4
	3008	Introdução ao Direito da Concorrência	11,2
	3016	Tributação das Empresas	16,6
	3050	Direito das Nações Unidas	14,9
	3053	Justiça Internacional	14,5
	3057	Organizações Internacionais	14,5
	3068	Contencioso da União Europeia	12,7
		Total	**12,7**

Anexo 11 | Alunos *outgoing* por Universidades de destino

Universidades de Destino	1.º Semestre	2.º Semestre	Ano Inteiro	Total Geral
Adam Mickiewicz University in Poznan	1			**1**
Charles University in Prague		1	1	**2**
Eötvös Loránd University (ELTE)	6			**6**
Erasmus University Rotterdam	1		1	**2**
Gottfried Wilhelm Leibniz Universität Hannover	2	1		**3**
Jagiellonian University	3			**3**
Humboldt Universität Zu Berlin	3			**3**
Ludwig-Maximilians-Universität München	1	1	1	**3**
Masaryk University	5			**5**
Mykolas Romeris University	1			**1**
Paris Descartes Univeristy	1	2		**3**
Paris Lodron Universität Salzburg			1	**1**
Sapienza Università di Roma		1		**1**
Sofia University St. Kliment Ohridski	2			**2**
Universidad Autonoma de Madrid	2			**2**
Universidad Complutense de Madrid	2			**2**
Universidade Católica Portuguesa	1	2		**3**
Universidade Nova de Lisboa	4	5	2	**11**
Universidade de Coimbra		2		**2**
Universidade do Minho		2		**2**
Università Degli studi di Roma "Tor Vergata"	1			**1**
Università Degli studi di Milano		1		**1**
Università degli Studi di Napoli Federico II		1		**1**
Università Degli studi di Trento		1		**1**
Università degli Studi Roma Tre		1		**1**
Université de Strasbourg	1			**1**
University of Bialystok	1			**1**
Unviersity of Groningen	1			**1**
University of Lodz		1		**1**
University of Maribor	1			**1**
University of Zagreb	2			**2**
Univerza v Ljubljani	2			**2**
Univerzita Palackého v Olomouci	2			**2**
Total	**46**	**22**	**6**	**74**

Anexo 12 | Alunos *outgoing* por pais de destino

País	1.º Semestre	2.º Semestre	Ano inteiro	Total Geral
Alemanha	6	2	1	**9**
Bulgária	2			**2**
Croácia	2			**2**
Eslovénia	2			**2**
Espanha	4			**4**
França	2	2	1	**5**
Holanda	2		1	**3**
Hungria	6			**6**
Itália	1	5		**6**
Lituânia	1			**1**
Polónia	7	1		**8**
Portugal	5	11	2	
República Checa	6	1	1	**18**
Total Geral	**46**	**22**	**6**	**74**

Anexo 13 | Alunos *outgoing* por ciclo de estudos

Universidade	1º Ciclo, Licenciatura	2º Ciclo, Mestrado	3º Ciclo, Doutoramento	Total Geral
Adam Mickiewicz University in Poznan	1			**1**
Charles University in Prague	2			**2**
Eötvös Loránd University (ELTE)	6			**6**
Erasmus University Rotterdam	1	1		**2**
Gottfried Wilhelm Leibniz Universität Hannover		3		**3**
Jagiellonian University	3			**3**
Humboldt Universität Zu Berlin	1	1	1	**3**
Ludwig-Maximilians-Universität München		2	1	**3**
Masaryk University	5			**5**
Mykolas Romeris University		1		**1**
Paris Descartes Univeristy	2		1	**3**
Paris Lodron Universität Salzburg			1	**1**
Sapienza Università di Roma		1		**1**
Sofia University St. Kliment Ohridski	2			**2**
Universidad Autonoma de Madrid	1	1		**2**
Universidad Complutense de Madrid	2			**2**
Universidade Católica Portuguesa	3			**3**
Universidade Nova de Lisboa	11			**11**
Universidade de Coimbra	2			**2**
Universidade do Minho	2			**2**
Università Degli studi di Roma "Tor Vergata"	1			**1**
Università Degli studi di Milano		1		**1**
Università degli Studi di Napoli Federico II		1		**1**
Università Degli studi di Trento		1		**1**
Università degli Studi Roma Tre		1		**1**
Université de Strasbourg	1			**1**
University of Bialystok	1			**1**
Unviersity of Groningen	1			**1**
University of Lodz	1			**1**
University of Maribor	1			**1**
University of Zagreb	2			**2**
Univerza v Ljubljani	2			**2**
Univerzita Palackého v Olomouci	2			**2**
Total	56	14	4	**74**

Anexo 14 | Alunos *outgoing* por Género e Idade

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	29	18	2	**49**
Masculino	17	4	4	**25**
Total	**46**	**22**	**6**	**74**

Idade	Total
21	8
22	32
23	9
24	4
25	1
26	2
27	4
28	1
30	2
33	2
34	1
36	1
40	1
41	1
42	1
45	1
46	1
48	1
54	1
Total Geral	**74**

Anexo 15 | Alunos *incoming* e *outgoing* por instituição parceira

Universidade de Origem	IN	OUT	Total
Adam Mickiewicz University in Poznań	2	1	3
Aristotle University of Thessaloniki	1		1
Centro Universitário de Curitiba	1		1
Charles University in Prague	1	2	3
Comenius Bratislava University	3		3
Eötvös Loránd University	5	6	11
Erasmus University Rotterdam		2	2
Faculdade Baiana de Direito e Gestão	1		1
Faculdade Católica Imaculada Conceição do Recife	1		1
Faculdade de Direito de Franca	4		4
Fundação Getúlio Vargas - Rio de Janeiro	1		1
Galatasaray University	1		1
Gottfried Wilhelm Leibniz Universität Hannover	11	3	14
Humboldt Universität zu Berlin	2	3	5
Istanbul Sabahattin Zaim University	2		2
Jagiellonian University	3	3	6
Kozminski University	2		2
Ludwig-Maximilians-Universität München	3	3	6
Maastricht University	1		1
Masaryk University		5	5
Mykolas Romeris University	2	1	3
Palacký University in Olomouc	2		2
Paris Descartes University		3	3
Paris Lodron University of Salzburg	1	1	2
Pontifícia Universidad Católica do Chile	2		2
RheinAhrCampus Remagen - Koblenz University of Applied Sciences	2		2
Ruhr-Universität Bochum	1		1
Sapienza Università di Roma		1	1
Sofia University "St. Kliment Ohridski"	1	2	3
Tallinn University	1		1
Universidad Autonoma de Madrid	1	2	3
Universidad Carlos III de Madrid	2		2
Universidad Complutense de Madrid	1	2	3
Universidad de Granada	3		3
Universidad de Murcia	1		1
Universidad de Oviedo	2		2
Universidad de Valladolid	2		2
Universidad Miguel Hernández de Elche	1		1
Universidade Católica Portuguesa		3	3
Universidade de Coimbra		2	2

Universidade do Minho		2	2
Universidade Luterana do Brasil	1		1
Universidade Nova de Lisboa		11	11
Universidade Presbiteriana Mackenzie	1		1
Università degli Studi di “Tor Vergata”		1	1
Università degli Studi di Genova	2		2
Università degli Studi di Milano	4	1	4
Università degli Studi di Milano-Bicocca	1		1
Università degli Studi di Napoli "Parthenope"	4		4
Università degli Studi di Napoli Federico II	2	1	3
Università degli Studi di Padova	1		1
Università degli Studi di Roma Tre	1	1	2
Universitá degli Studi di Sassari	4		4
Università degli Studi di Trento	2	1	3
Università degli Studi Suor Orsola Benincasa	1		1
Università di Pisa	1		1
Universitat de Barcelona	2		2
Universität Hamburg	4		4
Universität Konstanz	1		1
Universität Leipzig	3		3
Universität of Bayreuth	1		1
Universitat Pompeu Fabra	2		2
Universität zu Köln	2		2
Université Catholique de Louvain-la-Neuve	7		7
Université de Bordeaux	1		1
Université de Bourgogne	1		1
Université de Strasbourg		1	1
Université Libre de Bruxelles	1		1
Université Paris Nanterre	1		1
Université Paris-Saclay	2		2
Université Rouen de Normandie	10		10
Université Toulouse 1 Capitole	2		2
University of Belgrade	4		4
University of Bergen	4		4
University of Bialystok	1	1	2
University of Groningen	3	1	4
University of Latvia	1		1
University of Ljubljana	1		1
University of Lodz	1	1	2
University of Macedonia	1		1
University of Maribor	1	1	2
University of Rzeszów	1		1
University of Turku	1		1

University of Warsaw	2		2
University of Zagreb	4	2	6
University of Zürich	1		1
Univerza v Ljubljani		2	2
Univerzita Palackého v Olomouci		2	2
Westfälische Wilhelms-Universität Münster	3		3
Windesheim University of Applied Sciences	2		2
Total	166	74	240

Anexo 16 | Alunos *incoming* e *outgoing* por país

País	IN	OUT	Total
Alemanha	33	9	42
Áustria	1		1
Bélgica	8		8
Brasil	10		10
Bulgária	1	2	3
Chile	2		2
Croácia	4	2	6
Eslováquia	3		3
Eslovénia	2	2	4
Espanha	17	4	21
Estónia	1		1
Finlândia	1		1
França	17	5	22
Grécia	2		2
Holanda	6	3	9
Hungria	5	6	11
Itália	23	6	29
Letónia	1		1
Lituânia	2	1	3
Noruega	4		4
Polónia	12	8	20
Portugal		18	18
República Checa	3	8	11
Sérvia	4		4
Suíça	1		1
Turquia	3		3
Total	166	74	240

Anexo 17 | Cursos Intensivos 2020/2021

1. Inscritos por curso intensivo

Curso Intensivo	Alunos Matriculados		Total
	Alunos FDUL	Alunos Erasmus+	
Behavioural Law and Economics	19	8	27
Public Finance: new global perspectives	23	3	26
Competition Law in the Digital Economy	17	10	27
International Human Rights Law	20	16	36
EU Consumer Law	28	9	37
Introduction to EU Energy Law	24	14	38
Introduction to the History of Justice	26	8	34
International Aviation Law	17	16	33
EU Administrative Procedural Law and Europanization of National Administrative Law	31	4	35
Bill of exchange: a contemporary comparative analysis between civil and common law traditions	23	3	26
Right to Private and Family Life	23	10	33
European and International Energy Law	28	7	35
EU Public Procurement Law - general approach and some remarks on procurement during the Covid crisis	17	3	20
European Union Integration through Preliminary Ruling Procedures	7	2	9
United States Constitutional Law: History, Theory and Practice	23	12	35
The Law of Apps	17	18	35
Philosophy of Law	25	10	35
European Union Administrative Law	21	5	26
Lincoln Memorial/ELPIS Lectures	9	5	14
Brexit: Process and Impact on the law of EU, its Member States and the UK	20	18	38

From comparative administrative law to common constitutional traditions	17	5	22
International Humanitarian Law	17	20	37
European Comparative Competition Law	27	9	36
Modelos Federais e Desafíos ao Estado Federal: o proceso de secesión de cataluña no marco da unión europea	30	3	33
Asylum and Immigration Law and Policy of the European Union	28	18	46
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	21	15	36
La Crisis del Estado de Derecho	35	1	36
Construction Contracts in the System of German Civil Law	23	12	35
Constitutional Justice in Europe	20	16	36
Redes sociales, compañías tecnológicas y democracia	34	3	37
Globalisation and International Protection of Human Rights	17	18	35
História e Teoria do Crime	28	5	33
Introduction to European Private Law	18	9	27
Introduction to the North American Constitution	19	17	36
Private Enforcement of EU Competition Law – the revolution is here	18	3	21
Introduction to the Law of the United States	18	19	37
Litigation in Economic International Law	16	7	23
Legal Theory and Legal Ethics: the Dispute about the Good Lawyer	22	16	38
Total	**826**	**377**	**1203**

2. Avaliações por curso intensivo

	N.º de Alunos Avaliados	N.º de Alunos Não Avaliados	N.º de Reprovações	Média
Behavioural Law and Economics	26	1	0	15,61
Public Finance: new global perspectives	25	1	0	14,52
Competition Law in the Digital Economy	20	6	1	14,38
International Human Rights Law	35	1	0	14,8
EU Consumer Law	37	0	0	16,43
Introduction to EU Energy Law	26	11	1	13,25
Introduction to the History of Justice	16	18	0	14,75
International Aviation Law	31	1	1	13
EU Administrative Procedural Law and Europanization of National Administrative Law	27	8	0	13,96
Bill of exchange: a contemporary comparative analysis between civil and common law traditions	13	13	0	13,61
Right to Private and Family Life	28	5	0	14,46
European and International Energy Law	24	11	0	15,04
EU Public Procurement Law - general approach and some remarks on procurement during the Covid crisis	9	10	1	14,55
European Union Integration through Preliminary Ruling Procedures	6	3	0	13,66
United States Constitutional Law: History, Theory and Practice	25	10	0	15,04
The Law of Apps	27	8	0	14,40
Philosophy of Law	22	13	0	14,86
European Union Administrative Law	11	15	0	18,81
Lincoln Memorial/ELPIS Lectures	5	9	0	13,80
Brexit: Process and Impact on the law of EU, its Member States and the UK	38	0	0	14,07
From comparative administrative law to common constitutional traditions	20	2	0	14,75
International Humanitarian Law	35	2	0	13,08

European Comparative Competition Law	34	2	0	15,17
Modelos Federais e Desafíos ao Estado Federal: o proceso de secesión de cataluña no marco da unión europea	28	5	0	16,64
Asylum and Immigration Law and Policy of the European Union	42	3	1	12,81
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	25	3	8	11,15
La Crisis del Estado de Derecho	24	12	0	17
Construction Contracts in the System of German Civil Law	21	14	0	13,90
Constitutional Justice in Europe	35	1	0	13,88
Redes sociales, compañías tecnológicas y democracia	27	8	2	15,48
Globalisation and International Protection of Human Rights	30	5	0	15,33
História e Teoria do Crime	21	12	0	15,90
Introduction to European Private Law	22	5	0	14,04
Introduction to the North American Constitution	31	5	0	12,12
Private Enforcement of EU Competition Law – the revolution is here	6	15	0	13
Introduction to the Law of the United States	19	18	0	17,51
Litigation in Economic International Law	17	6	0	15,58
Legal Theory and Legal Ethics: the Dispute about the Good Lawyer	19	19	0	13,45
Total	**907**	**281**	**15**	**14,57**

3. Cancelamentos, Desistências e Não. Avaliados

	Cancelamentos e Desistências	Não Avaliados	Total
Behavioural Law and Economics	1	0	1
Public Finance: new global perspectives	1	0	1
Competition Law in the Digital Economy	2	4	6
International Human Rights Law	1	0	1
EU Consumer Law	0	0	0
Introduction to EU Energy Law	6	5	11
Introduction to the History of Justice	6	12	18
International Aviation Law	1	0	1
EU Administrative Procedural Law and Europanization of National Administrative Law	5	3	8
Bill of exchange: a contemporary comparative analysis between civil and common law traditions	1	12	13
Right to Private and Family Life	2	3	5
European and International Energy Law	5	6	11
EU Public Procurement Law - general approach and some remarks on procurement during the Covid crisis	3	7	10
European Union Integration through Preliminary Ruling Procedures	0	3	3
United States Constitutional Law: History, Theory and Practice	4	6	10
The Law of Apps	4	4	8
Philosophy of Law	11	2	13
European Union Administrative Law	11	4	15
Lincoln Memorial/ELPIS Lectures	4	5	9
Brexit: Process and Impact on the law of EU, its Member States and the UK	0	0	0
From comparative administrative law to common constitutional traditions	0	2	2

International Humanitarian Law	1	1	2
European Comparative Competition Law	0	2	2
Modelos Federais e Desafíos ao Estado Federal: o proceso de secesión de cataluña no marco da unión europea	2	3	5
Asylum and Immigration Law and Policy of the European Union	0	3	3
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	1	2	3
La Crisis del Estado de Derecho	4	8	12
Construction Contracts in the System of German Civil Law	5	9	14
Constitutional Justice in Europe	1	0	1
Redes sociales, compañías tecnológicas y democracia	3	5	8
Globalisation and International Protection of Human Rights	5	0	5
História e Teoria do Crime	7	5	12
Introduction to European Private Law	4	1	5
Introduction to the North American Constitution	2	3	5
Private Enforcement of EU Competition Law – the revolution is here	6	9	15
Introduction to the Law of the United States	10	8	18
Litigation in Economic International Law	3	3	6
Legal Theory and Legal Ethics: the Dispute about the Good Lawyer	14	5	19
Total	**136**	**145**	**281**

Anexo 18 | Cursos Intensivos 2020/2021 | Docentes e Programas

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
Behavioural Law and Economics	2.ª	1.º	Rute Saraiva	FDUL
Public Finance: new global perspectives	2.ª	1.º	Guilherme Oliveira Martins	FDUL
Competition Law in the Digital Economy	2.ª	1.º	Miguel Moura e Silva	FDUL
International Human Rights Law	1.ª	1.º	Rui Guerra Fonseca	FDUL
EU Consumer Law	2.ª	1.º	Arndt Kühnnecke	Federal University of Applied Sciences for Public Administration
Introduction to EU Energy Law	2.ª	1.º	Ignacio Anchustegi	University of Bergen
Introduction to the History of Justice	2.ª	1.º	Isabel Graes	FDUL
International Aviation Law	6.ª	1.º	Regina Valutyte	Mykolas Romeris University
EU Administrative Procedural Law and Europanization of National Administrative Law	2.ª	1.º	Rui Lanceiro	FDUL
Bill of exchange: a contemporary comparative analysis between civil and common law traditions	2.ª	1.º	João Espirito Santo	FDUL
Right to Private and Family Life	2.ª	1.º	Dovilė Gailiūtė-Janušonė	Mykolas Romeris University
European and International Energy Law	3.ª	1.º	Claas Germelmann	Gottfried Wilhelm Leibniz Universität Hannover
EU Public Procurement Law - general approach and some remarks on procurement during the Covid crisis	2.ª	1.º	Miguel Assis Raimundo	FDUL
European Union Integration through Preliminary Ruling Procedures	2.ª	1.º	Ana Soares Pinto	FDUL
United States Constitutional Law: History, Theory and Practice	3.ª	1.º	Dane S. Ciolino	Loyola University College of Law (EUA)
The Law of Apps	2.ª	1.º	Pedro Lomba	FDUL
Philosophy of Law	5.ª	1.º	Alexandre Viala	Université Montepellier
European Union Administrative Law	2.ª	1.º	Lourenço Vilhena de Freitas	FDUL

Brexit: Process and Impact on the law of EU, its Member States and the UK	2.ª	2.º	Jacques Ziller	Università degli Studi di Pavia
From comparative administrative law to common constitutional traditions	1.º	2.º	Giacinto Cananena	Università Bocconi
International Humanitarian Law	1.º	2.º	Ana Soares Pinto	FDUL
European Comparative Competition Law	7.ª	2.º	Bernd Oppermann	Gottfried Wilhelm Leibniz Universität Hannover
Modelos Federais e Desafíos ao Estado Federal: o proceso de secesión de cataluña no marco da unión europea	1.ª	2.º	Vicente Sanjurjo	Universidad de Santiago de Compostela
Asylum and Immigration Law and Policy of the European Union	5.ª	2.º	Jaap W- de Zwaan	Erasmus Unviersity Rotterdam
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	3.ª	2.º	Axel Kämmerer	Bucerius Law School
La Crisis del Estado de Derecho	4.ª	2.º	Fausto Vecchio	Università degli Studi di Kori di Enna
Construction Contracts in the System of German Civil Law	3.ª	2.º	Jochen Glockner	Universität Monstanz
Constitutional Justice in Europe	4.ª	2.º	Rainer Arnold	Universität Regensburg
Redes sociales, compañías tecnológicas y democracia	2.ª	2.º	Francisco Balaguer Callejón	Universidad de Granada
Globalisation and International Protection of Human Rights	7.ª	2.º	Marine Toullier	Université Rouend de Normandie
História e Teoria do Crime	7.ª	2.º	Cláudio Brandão	Universidade Federal de Pernambuco
Introduction to European Private Law	9.ª	2.º	Andreas Schwartze	University of Innsbruck
Introduction to the North American Constitution	8.ª	2.º	Russell Weaver	University of Louisville
Private Enforcement of EU Competition Law – the revolution is here	2.ª	2.º	Miguel Sousa Ferro	FDUL
Introduction to the Law of the United States	10.ª	2.º	Patrick Hugg	Loyola University College of Law (EUA)
Litigation in Economic International Law	7.ª	2.º	Millán Requena Casanova	Universitá di Alicante
Legal Theory and Legal Ethics: the Dispute about the Good Lawyer	2.ª	2.º	Massimo La Torre	Università di Catanzaro

FACULDADE DE DIREITO
Universidade de Lisboa

Syllabus

Behavioral Law and Economics
An introduction

Professor Rute Saraiva

FDUL

Email: rutesaraiva@fd.ul.pt

Seminar Description

Behavioral economics tries to increase the explanatory power of economics by using insights from the field of psychology. These findings are then brought to the legal level to explain both the effects and content of laws. In addition, behavioral concepts help in determining how the law might be used to achieve particular goals and in assessing whether the law is achieving its stated ends.

This seminar will begin with a broad overview of the problem of irrationality in economic behavior in order to introduce its application and consequences to legal issues. Topics will include biases and heuristics, the main goal of BLE, its criticisms, and applied situations like obesity fighting, environmental law and others.

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Expectations of Students and Grading:

Students don't need to have an extensive economics or psychology background.

The class requires active and regular participation and preparation for daily discussions. This includes attending each class on time, listening, contributing in class and preparing to answer questions by reading and preparing the required bibliography.

Grades will be based exclusively on class participation and a writing assignment involving:

1. the review of an appointed paper; or
2. the application of BLE to solve a particular problem,

to be emailed to me before November 15th.
No exam will be given.

Course Materials:

Most of the readings for the seminar can be downloaded and the rest will be provided and emailed in advanced.

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Program

Session 1: **Predictable irrationality?**

(1) Camerer, Colin and George Loewenstein. 2003. Behavioral Economics: Past, Present, Future. In Advances in Behavioral Economics, ed. Colin Camerer, George Loewenstein and Matthew Rabin. Princeton: Princeton University Press. https://www.researchgate.net/publication/228359684_Behavioral_Economics_Past_Present_Future

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Session 2: **What is Behavioral Law and Economics?**

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Session 3: **Libertarian and Asymmetric Paternalism**

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Session 4: **Applied BLE: Fighting Obesity, Academic Fraud and Environmental Problems**

(1) Saraiva, Rute. 2012. O Direito do ambiente e a Behavioral Law and Economics, Estudos em Comemoração do Quinto Aniversário do Instituto Superior de Ciências Jurídicas e Sociais de Cabo Verde, Cidade da Praia.

(2) Jeffrey J. Rachlinski. 2000. The Psychology of Global Climate Change, University of Illinois Law Review. http://env.chass.utoronto.ca/env200y/ESSAY2001/globwarm.pdf

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(5) Paul Slovic. 2008. Thinking and Deciding Rationally About Catastrophic Losses of Human Lives, The Wharton School. http://opim.wharton.upenn.edu/risk/tie3/abstracts/Slovic_Thinking.pdf

(6) Saraiva, Rute. 2010. Uma Questão de Peso: Análise Jurídico-Económica da Obesidade, Estudos em Homenagem ao Professor Doutor Paulo de Pitta e Cunha, Almedina.

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Optional Readings

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- Jeffrey J. Rachlinski & Forest Jourden (2003). *The Uncertain Psychological Case for Paternalism*, Northwestern University Law Review 1165, n.º 97.
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- Thomas A. Lambert (2004). *Two Mistakes Behavioralists Make: A Response to Professors Feigenson et al. and Professor Slovic*, Missouri Law Review, Vol. 69. http://law.missouri.edu/lawreview/files/2012/11/Lambert.pdf
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- José Eduardo Carvalho (2009). *Neuroeconomia. Ensaio sobre a Sociobiologia do Comportamento*, Edições Sílabo, Lisboa.
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- Todd Henderson (2010). *Project Behavior: What the Battle is Really About*, http://truthonthemarkets.com/free-to-choose-symposium
- Douglas Ginsburg e Joshua Wright (2010). *A Taxonomy of Behavioral Law and Economics Skepticism*, http://truthonthemarkets.com/free-to-choose-symposium
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- Richard A. Epstein (2010). *The Dangerous Allure of Behavioral Economics: The Relationship between Physical and Financial Products*, http://truthonthemarkets.com/free-to-choose-symposium
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- Anuj C. Desai (2010). *Libertarian Paternalism, Externalities, and the "Spirit of Liberty": How Thaler and Sunstein Are Nudging Us toward an "Overlapping Consensus"*, Univ. of Wisconsin Legal Studies Research Paper No. 1121.
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Public Finance and Global Governance

Guilherme W. d'Oliveira Martins

1. Public Finance and external expectations
2. Public Finance and crisis: austerity vs expansion measures
3. International Audit control institutions
4. Global partnerships

Summary:
"Governments have been concerned for quite some time with their institutional and human capacity to improve the livelihoods of citizens, the competitiveness or viability of business, the delivery of basic public services, and trust in regulatory institutions. As part of broad reform and change agendas, many countries have been developing and revising their governance institutions, frameworks and tools. The current global financial, economic, social and environmental challenges highlight the unique role of government in serving the public interest. In times of crisis it's time to study those instruments accurately."

The evaluation method will be a multiple choice exam on the last day.

FACULDADE DE DIREITO
Universidade de Lisboa

Competition Law in the Digital Economy

Professor Miguel Moura e Silva
Professor, University of Lisbon Law School

October 12th – October 16th 2020 11am – 13pm

(Duration: 10 hours)

Course summary: Modern Competition Law emerged in the United States in 1890 as a form of dealing with one of the disruptive economic movements of the time: the concentration of economic power stemming from technological change (industrialization and mass production leading to economies of scale that favoured big enterprises) and made viable through legal innovations that allowed new business structures (trusts and then holding companies, allowing control of several legally-independent corporations). As Competition Law enters its second century, the legal and economic analytical paradigms that were shaped to a predominantly industrial and service-oriented economy are facing new challenges in adjusting to the new business environment of a digital economy. This course provides an introduction to some of those challenges, providing students with insights on some of the most recent academic research and the ongoing battle between two paradigms: the dominant efficiency-oriented paradigm (that views the growing concentration of market power in the hands of technological giants as inevitable and indeed desirable) and the so-called Brandesian movement (or, scornfully, "Hipster Antitrust"), that would reinvent Competition Law by reclaiming its early spirit against excessive concentration of economic power.

Course objectives:

- To provide an introduction to the specific characteristics of the digital economy (network effects, platform competition, ability to discriminate, relevance of intellectual property rights).

- To lead students to understand the legal and economic concepts that underpin competition law as it applies to the digital economy environment, in a dynamic and critical perspective that allows future study of these subjects;

Methodology: The course combines lectures with the discussion of selected papers and cases and decisions from the US and the EU, as well as from other jurisdictions. The case method will be used as an illustration of how the challenges of controlling market power in the digital economy are being dealt with under current competition rules, particularly the US and EU models. An interdisciplinary Law & Economics perspective will be used as a tool to understand how different legal cultures address the same types of competition restraints and establish a benchmark to appraise the effectiveness of those legal and institutional regimes.

Grading: Students will be required to read cases before class (approximately 30 pages reading per class). Grading will be based on class participation and a short paper (2500 words) on one of the topics addressed in the course. The paper should be delivered two weeks after completion of the course.

Course materials and required reading: these will be made available on the Moodle platform (elearning.ul.pt) at the latest two weeks before the beginning of the course. Students will be required to read the materials in advance and to prepare each class, including case discussions.

Classes

Day 1 – October 12th

- **The Digital Economy**

Day 2 – October 13th

- **The Objectives of Competition Law**
- **Collusion in the Digital Economy**

Day 3 – October 14th

- **Retailing in the Digital Economy**

Day 4 – October 15th

- **Abuse of Dominance in the Digital Economy**

Day 5 – October 16th

- **Merger Control in the Digital Economy**

Bibliography

- Ariel Ezrachi /Maurice E. Stucke, Virtual Competition, Harvard Univ. Press, Cambridge – Massachusetts, 2016.
- Mark R. Patterson, Antitrust Law in the New Economy, Harvard Univ. Press, Cambridge – Massachusetts, 2017.
- Maurice E. Stucke / Allen P. Grunes, Big Data and Competition Policy, Oxford Univ. Press, Oxford, 2016.

Please note that the course will provide access to research papers by these authors and others. Required reading will therefore be freely available online.

FACULDADE DE DIREITO
Universidade de Lisboa

ERASMUS
INTENSIVE COURSE
2020/2021

GERI
GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

CÓDIGO *Code*	**NOME DA DISCIPLINA** *Course*	**CARGA HORÁRIA** *Hours*
8139	International Human Rights Law	10h.

PROFESSOR
Prof. Dr. Rui Guerra da Fonseca

Overview:

Learning outcomes

- To know the international system of protection of human rights and its relevance.
- To differentiate systems os protection.
- To know the relation between national and international systems of protection (in particular, national and supranational courts of law).
- The jurisdiction of the European Court of Human Rights.

Syllabus

I. Introduction to International Human Rights Law:
   a) History;
   b) Concept and sources of IHRL;
   c) Fundamental principles of IHRL;
   d) Who has human rights obligations?
   e) Protected human rights: categories and specific rights;
II. The universal system of the UN:
   a) The UDUR, the ICCPR, the ICESCR, and their protocols;
   b) The UM bodies;
   c) Mechanisms of control;
   d) The ICJ;
III. The european regional system: the Council of Europe and the ECHR:
   a) Origins and evolution;
   b) The Council of Europe;
   c) The ECHR;
   d) The ECrtHR: evolution of the system; composition and functioning; process;
IV. The american and african systems;
V. Perspectives: the various systems; Asia and Arabic states.

References:

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- Sudre, Frédéric, *Droit européen et international des droits de l'homme*, 13.ª ed., PUF, Paris, 2016.
- Zanghì, Claudio, *La protezione internazionale dei diritti dell'uomo*, 3.ª ed., G Giappichelli Editore, 2013.
- Shelton, Dinah L., *Advanced Introduction to International Human Rights Law,* Edward Elgar, 2014.
- Fonseca, Rui Guerra, *Proteção Internacional dos Direitos Humanos — Introdução à disciplina. Sumários desenvolvidos*, AAFDL, Lisboa, 2018.
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- _____, "A Declaração Universal dos Direitos Humanos na Constituição da República Portuguesa", in *Nos 40 Anos da Constituição*, org. Jorge Miranda, AAFDL, Lisboa, 2017, pp. 74-83.
- _____, "O Direito Internacional dos Direitos Humanos no Pensamento de Hans Kelsen", in *O Pensamento de Hans Kelsen — Influências, Contexto e Atualidade*, Pedro Moniz Lopes (coord.), AAFDL, 2020, pp. 333-344.
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- Ireneu Cabral Barreto / Rui Guerra da Fonseca, "A '*doutrina Bosphorus'* e a tendência para a ampliação da jurisdição do Tribunal Europeu dos Direitos Humanos: algumas notas", in *Estudos em Homenagem ao Conselheiro Sousa Ribeiro*, Tribunal Constitucional, II, Almedina, 2019, pp. 573-594
- Barreto, Ireneu Cabral, *A Convenção Europeia dos Direitos do Homem, 6*.ª ed., Almedina, 2020.
- Martins, Ana Maria Guerra, *Direito Internacional dos Direitos Humanos,* Almedina, 2011.

Dr. Dr. Arndt Künnecke is Professor for Public Law and Politics at the Federal University of Applied Sciences for Public Administration in Brühl / Germany. From 2007-2017 he was working in Turkey as lecturer for law and political science at Okan University Istanbul and MEF University Istanbul. Besides, he also practiced as lawyer and freelance journalist for German media. Throughout his academic career he conducted extensive interdisciplinary research on comparative aspects in Turkish and European law and politics, minority rights, EU consumer law and European migration law and politics, and published several books and articles on these subjects.

During his three years at MEF University, where – as the world's first and only university – each course was given in compliance with the Flipped Classroom teaching approach, Prof. Künnecke produced professional and engaging pre-class videos to enhance learning experiences and improve results and he became one of Europe's leading experts in flipped teaching.

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

INTENSIVE COURSES

2020/2021

CÓDIGO *Code*	**NOME DO CURSO** *Course*	**CARGA HORÁRIA** *Hours*
	EU Consumer Law	10h

PROFESSOR OU PROFESSORES *Professor(s)*
Arndt Kühnnecke

Overview:

Does consuming always make you happy? If yes, you are the lucky one. If not, this lecture will help you. As a consumer within the EU you have more rights, than you think.

Have you ever felt manipulated by advertising? Do you know that you have the right to withdrawal, or do you know how to protect yourself from the risks of e-commerce? Do the financial services that you get meet your expectations? Who is liable for the damages caused by defective products? What difficulties you may face if you buy something abroad?

If you are not sure about your rights as a consumer, this lecture provides you the legal background in order to find the right answers to your questions. Because as a consumer you need to be informed to make the right decision to buy and to know about your rights in case there is anything wrong with your purchased good or service.

In order to better prepare you for your future purchases and for any inconveniences with your purchased products or services, this lecture will introduce five main areas of EU consumer protection to you. You will learn the theoretical legal background and then be encouraged to find practical solutions for selected cases in each area. In short, this lecture will provide you with the theoretical knowledge and practical skills in the area of the protection of consumer rights, comprising both the internal and EU market.

Aim of the lecture: The aim of the lecture is to improve the students' academic and professional competences analyzing the problematic areas of consumer rights protection as well as providing relevant recommendations for their solution being of interest both for the academic community and individual consumers. According to this aim, five main areas of EU consumer protection will be theoretically introduced before the students will work on practical solutions for selected cases in each area. By these means, the students will be equipped with the theoretical knowledge and practical skills in the area of the protection of consumer rights, comprising both the internal and EU market.

Topics of the lecture:

1. General principles of EU consumer law
2. Protection of consumer goods and services
3. Product liability
4. Consumer protection in the area of e-commerce
5. Financial Services and consumer protection
6. Cross-border consumer protection

Dr. Ignacio Herrera Anchustegui, LL.M

EDUCATION

Post graduate studies

Oct 2012 – Nov 2016	University of Bergen, Faculty of Law (Bergen, Norway) PhD in Competition Law, 2017. Dissertation published by Concurrences as "Buyer Power in EU Competition Law" (Paris, 2017). **Winner of the 2017 Concurrences PhD Award.**
Sep 2010 – Sep 2012	University of Vienna, Faculty of Law (Vienna, Austria) Masters of Laws in European and International Business Law (LL.M), with distinction.

Undergraduate studies

Oct 2002 – Jul 2007	Catholic University Andrés Bello, Faculty of Law (Caracas, Venezuela) First degree in Law (LL.B). *Summa Cum Laude.* Admitted to practice in Venezuela.

ACADEMIC WORK EXPERIENCE

University of Bergen, Faculty of Law

Nov 2019 –	**Associate Professor**. Leader of the project: "Governing Offshore Wind: Legal Challenges, Market Opportunities and Policy Perspectives (GOV-WIND)".
Feb 2017 – Oct 2019	Researcher. Research project entitled *"*Regulating energy markets, a perspective from EU/EEA Competition and Public Procurement Law*"*. Project financed by Statoil through the AkademiaAvtalen program. Teaching duties and Master's theses supervisor in the fields of EU/EEA Public Procurement, EU/EEA Competition Law, and Energy Law. General Manager of the Bergen Center for Competition Law & Economics. **Winner of the Meltzer Award for Young Researchers, 2017.** Ranked in the top 2% of downloaded authors in SSRN.
Oct 2012 – Nov 2016	PhD fellow. "Buyer Power in EU Competition Law". Teaching duties in the fields of EU/EEA Public Procurement, EU/EEA Competition Law, and Energy Law.

PROFESSIONAL WORK EXPERIENCE

Jan 2012 – Aug 2012	United Nations Office on Drugs and Crime (UNODC). Vienna, Austria. Integrated Program Oversight Unit. Internship
Apr 2008 – Apr 2010	Bolet & Terrero. Intellectual Property Law Firm. Caracas, Venezuela. Attorney at law.

GUEST LECTURER AND RESEARCH VISITS

Oct 2020	University of Lisbon, Faculty of Law. Guest lecturer and responsible of the course Introduction to EU Energy Law
Oct-Dec 2019	Shanghai Jiao Tong University, KoGuan School of Law, Shanghai, China. Visiting scholar.
Mar-Apr 2019	Tulane University, School of Law, New Orleans, USA. Visiting scholar.
Oct 2018	Carlos III University. Faculty of Law. Madrid, Spain. Guest lecturer
Apr – Jun 2018	Max Planck Institute for Research on Collective Goods. Bonn, Germany. Visiting scholar
Mar 2018 - Present	University of Aberdeen. Faculty of Law. Aberdeen, UK. Guest lecturer
Nov – Dec 2017	Universidad Alcalá de Henares, Faculty of Law, Spain**.** Guest lecturer
May 2017	University of Wisconsin, Law School, USA. Visiting scholar
Mar -Jun 2017	Georgetown University, Georgetown Law Center, USA. Visiting scholar
Feb – Mar 2016	University of Wisconsin, Law School, USA. PhD visiting research fellow
Oct – Nov 2015	Centre for Competition Policy, University of East Anglia, UK. PhD visiting research fellow
April 2015	EFTA Court, Luxembourg. PhD visiting research fellow

Nov 2014 – Jan 2015 University of Freiburg, Faculty of Law and the Walter Eucken Institut, Germany. PhD visiting research fellow

Oct 2013 – Jan 2014 University of Leicester, Faculty of Law, UK. PhD visiting research fellow

AWARDS, GRANTS & SCHOLARSHIPS

Recipient of the **Strategic Programme for International Research and Education** (SPIRE) 2020 grant of the University of Bergen for an amount of €7,500.

Awarded the **2019 KoGuan Visiting Scholar** award by the KuGoan School of Law, Shanghai Jiao Tong University, to carry a comparative study of the Chinese regulation to buyer power and reside in Shanghai for 3 months.

Selected for the University of Bergen's **MOMENTUM Career Development Program for Young Researchers 2019-2020** period as one of fourteen participants. This program is designed to give talented postdocs and associate professors the opportunity to acquire and strengthen their professional skills whilst offering a forum to reflect on the opportunities and challenges working in academia present. Participation at the program is also rewarded with a €10,000 grant.

Recipient of the **Strategic Programme for International Research and Education** (SPIRE) 2019 grant of the University of Bergen for an amount of €3,500.

Recipient of the **E.ON Stipendienfonds** grant 2018 to carry out a visit to the Max Planck Institute for Research on Collective Goods, Bonn. Germany.

Recipient of the **Strategic Programme for International Research and Education** (SPIRE) 2018 grant of the University of Bergen for an amount of €10,000.

Winner of the "**2017 Meltzer Prize for Young Researchers**" at the University of Bergen, Norway, awarded by the Meltzer Research Fund. This yearly award recognizes the academic excellent of the research carried out by the two most talented young scholars under the age of 35 at the University of Bergen, which counts with approximately 2,500 faculty staff. The prize covers researchers pertaining to all academic disciplines.

Winner of the "**2017 Concurrences PhD Award**" to the best thesis best PhD dissertation in the field of competition law or economics of the year. The dissertation was published by Concurrences as "Buyer Power in EU Competition Law.

Recipient of the "**International Scholar-in-Residence Scholarship**" granted by the Section of Antitrust Law of the American Bar Association, 2016-2017. This scholarship amounted to $10,000.

Recipient of a personal grant of 2,500,000 Norwegian Kroner (approximately $300,000) by the Steering Committee of the **AkademiaAvtalen** 2016 (collaboration between Statoil and the University of Bergen) for a post-doctoral project entitled "**Regulating energy markets, a perspective from EEA/EU Competition and Public Procurement Law**".

Recipient of the project grant awarded by the **Meltzer Research Fund** for the years 2013, 2014, 2015 and 2016 for outstanding PhD candidates at the University of Bergen.

Recipient of the "**Juris Vitols Academic Excellence Award**", Catholic University Andrés Bello, 2008.

Recipient of the **Award Ucabista Integral** for the years 2005, 2006 and 2007, Catholic University Andrés Bello.

PUBLICATIONS

Research Monographs

Buyer Power in EU Competition Law. Herrera Anchustegui, Ignacio. Institut de droit de la concurrence/Concurrences. 652 pages. ISBN: 978-1-939007-24-7. (2017). *Winner of the 2017 Concurrences Award to the best PhD thesis in Competition Law & Economics.* **Book review:** Kazuhiko Fuchikawa, Book Review: Buyer Power in EU Competition Law, by Ignacio Herrera Anchustegui. (Institute of Competition Law. 2017), World Competition, Volume 41, Issue 3 (2018) pp. 489 – 490.

Edited Books & Journals' Special Issues as Editor

Routledge Handbook of Energy Law. Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (Routledge, 2020). 650 pages. **Book review**: Marcin Kraśniewski, Tina Hunter,

Ignacio Herrera, Penelope Crossley, Gloria Alvarez (red.), Podręcznik prawa energetycznego, *internetowy Kwartalnik Antymonopolowy i Regulacyjny* (2020).

On-Topic Special Issue: Unfair Trading in the Food Supply Chain. Edited by: Herrera Anchustegui, Ignacio; Gjendemsjø, Ronny. Concurrences (Review N. 3, September 2019 – published in the 2019-2020 Issue "Best of Concurrences").

Journal Contributions

Is Hywind Tampen's State Aid Approval a Kickstart for the Norwegian Offshore Wind Industry?, Herrera Anchustegui, Ignacio. European State Aid Law Quarterly. Vol 19/2 (2020). 7 pages.

Regulating the food supply chain in Europe and the Unfair Trading Practices Directive, Gjendemsjø, Ronny; Herrera Anchustegui, Ignacio. Revue Européenne de Droit de la Consommation, Vol 2020 (2), p. 165-188.

Unfair trading practices in the food supply chain - On-Topic Special Issue, Editorial. Herrera Anchustegui, Ignacio; Gjendemsjø, Ronny. Concurrences (Review N. 3, September 2019 – published in the 2019-2020 Issue "Best of Concurrences"). 5 pages.

Wy łączenia stosowania dyrektywy w sprawie udzielania zamówień przez podmioty działające w sektorach gospodarki wodnej, energetyki, transportu i usług pocztowych – przegląd prawa i orzecznictwa unijnego w zarysie / Exemption from the Utilities Directive in Energy – brief overview of EU law and case law. Herrera Anchustegui, Ignacio; Kraśniewski, Marcin. Internetowy Kwartalnik Antymonopolowy i Regulacyjny 2019; Volume 5.(8) p. 149-157.

'Oil as Currency: Venezuela's Petro, a New 'Oil Pattern'?' Herrera Anchustegui, Ignacio; Hunter, Tina Soliman, Oil, Gas & Energy Law (OGEL), Vol 2019(2), p. 1-20.

Evaluating the Commission's Proposal for a Directive on Unfair Trading Practices. Competition in Fairness? Herrera Anchustegui, Ignacio; Gjendemsjø, Ronny. European Competition and Regulatory Law Review (CoRe), Vol. 2, No. 4 (2018). Pages 1-10.

Buyer Power in Merger Control: A Case Law Overview. Herrera Anchustegui, Ignacio. e-Competitions Special Issue on Buyer Powers & Mergers (February 2018). No. 86095.

Buyer Power in Cartel and Dominance cases: A Case Law Overview. Herrera Anchustegui, Ignacio. e-Competitions Special Issue on Buyer Powers & Mergers (April 2018). No. 86351.

Buyer Power in the Big Data and Algorithm Driven World: The Uber & Lyft Example. Herrera Anchustegui, Ignacio; Nowag, Julian. Antitrust Chronicle. Summer 2017 Vol 1, p. 31-36. (2017). *Shortlisted for the Antitrust Writing Awards 2018 in the General Antitrust category.*

Joint Bidding and Object Restrictions of Competition: The EFTA Court's Take in the 'Taxi Case'. Herrera Anchustegui, Ignacio, European Competition and Regulatory Law Review (CoRe), Vol. 1, No. 2, p 174-179. (2017).

Revisiting the concept of undertaking from a public procurement law perspective — a discussion on EasyPay and Finance Engineering. Sánchez Graells, Albert and Herrera Anchustegui, Ignacio. European Competition Law Review. Vol. 37, No. 3, p. 93-98. (2016).

Centralising Public Procurement and Competitiveness in Directive 2014/24. Herrera Anchustegui, Ignacio. European Law Reporter, Issue 4, 2015, p. 119-132.

Competition Law through an Ordoliberal Lens. Herrera Anchustegui, Ignacio. Oslo Law Review. Vol. 2, No.2. (2015). *This article has been referred by the President of the UK Supreme Court Lord Neuberger in his speech "The Implementation of Competition Law in Hong Kong and the Role of Judges"* https://www.supremecourt.uk/docs/speech-160913.pdf.

EFTA Court Case E-24/13 Casino Admiral AG v Wolfgang Egger: the obligation of transparency and consequences of its breach when awarding service concessions. Herrera Anchustegui, Ignacio. Public Procurement Law Review. 24(1), 2015. Pg. NA1-9.

Book Contributions

Extraterritorial Effects of EU Law Over Gas Pipelines: The Case of Gazprom and Nord Stream 2. Herrera Anchustegui, Ignacio; Rodrigues, Nuno Cunha, in Rodrigues, Nuno Cunha (ed) "*Extraterritoriality of EU Economic Law*" (Springer, 2021 *forthcoming)*, 32 pages.

Is EU Competition Law a Hindrance for Aggregated Demand Response? Herrera Anchustegui, Ignacio in Perales Visca, María del Pilar; Robles Martín Laborda, Antonio (eds) "*The digital economy: regulatory, contractual and competition aspects*" (Tirant Lo Blanch, 2021), p. 299-346.

Distributive justice, community benefits and renewable energy: the case of offshore wind projects. Herrera Anchustegui, Ignacio, in Fleming, Ruven; Huhta, Kaisa; Reins, Leonie (eds) *"Sustainable Energy Democracy and the Law"* (Brill Publishers, 2021), 26 pages.

Introduction to the Routledge Handbook of Energy Law. Hunter, Tina Soliman; Herrera Anchustegui, Ignacio, in Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (eds), *"Routledge Handbook of Energy Law"* (Routledge, 2020), p. 3-13.

Uses and abuses of EU competition law in Energy. Bergqvist, Christian and Herrera Anchustegui, Ignacio, in Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (eds), *"Routledge Handbook of Energy Law"* (Routledge, 2020), p. 107-122.

The role of state aid law in energy. Herrera Anchustegui, Ignacio and Bergqvist, Christian, in Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (eds), *"Routledge Handbook of Energy Law"* (Routledge, 2020), p. 123-139.

Regulation of electricity markets in Europe in light of the Clean Energy Package: prosumers and demand response. Herrera Anchustegui, Ignacio and Formosa, Andreas, in Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (eds), *"Routledge Handbook of Energy Law"* (Routledge, 2020), p. 90- 106.

Shale gas regulation in Mexico and Colombia: an uncertain future. Hunter, Tina Soliman and Herrera Anchustegui, Ignacio, in Hunter, Tina Soliman; Herrera Anchustegui, Ignacio; Crossley, Penelope; Álvarez, Gloria (eds), *"Routledge Handbook of Energy Law"* (Routledge, 2020), p. 291-309.

Transmission Networks in Electricity Competition: Third-Party Access and Unbundling – a Transatlantic Perspective (Acceso a las Redes de Transmisión de Electricidad y Separación Efectiva: Una Perspectiva Transatlántica). Herrera Anchustegui, Ignacio; in Ruiz Peris, Juan Ignacio, Cerdá Martínez-Pujalte, Carmen (ed) "*Competencia en mercados con recursos esenciales compartidos: telecomunicaciones y energía*" (Thomson-Aranzadi, 2019). 37 pages.

Buyer Power in Agreements and Abuse of Market Power Cases. Herrera Anchustegui, Ignacio, in Jenny, Frédéric; Charbit, Nicolas (eds), *"2020 Competition Case Law Digest - A Synthesis of EU, US and National Leading Cases"*, (Instute de Droit de la Concurrence – Concurrences, 2020), p. 53-66.

Meanings of energy poverty in the South American context: a regional overview. Montoya, Milton Fernando; Herrera Anchustegui, Ignacio et alia, in Del Guayo, Íñigo; Godden, Lee; Zillman, Donald D; Montoya, Milton Fernando; González, José Juan (eds), "Energy Justice and Energy Law" (Oxford University Press, 2020).

The Scope for National Regulation of Unfair Trading Practices. Gjendemsjø, R.; Herrera Anchustegui, I, in Gjertsen, Johan; Konow, Berte-Elen (eds.) "*Festskrift til Det juridiske fakultet, Universitet i Bergen*" (Fagbokforlaget, 2019). 23 pages.

Collaborative cross-border centralized public procurement: Where are we and where are we going to? Herrera Anchustegui, Ignacio, in Assis Raimundo, Miguel (ed), *"Centralização e Agregação de Compras Públicas- Reflexões Sobre uma Tendência Actual da Contratação Pública"* (Livraria Almedina, 2019). 35 pages.

Service Concessions. Directive 2014/23 on the award of concession contracts. A comparative study of its transposition into Norwegian law. Herrera Anchustegui, Ignacio; Midtun, Linda; Strømsnes, Kristian, in Lazo-Vitoria, Ximena (ed), "*Service Concessions. Directive 2014/23 on the award of concession contracts. A comparative study of its transposition into national law"* (Thomson-Aranzadi, 2018). 30 pages. Translated and published into Spanish as: **Concesiones de Servicios. Directiva 2014/23 Relativa a la Adjudicación de Contratos de Concesión. Un Estudio Comparativo sobre su Transposición al Derecho Noruego.** Herrera Anchustegui, Ignacio; Midtun, Linda; Strømsnes, Kristian, in Gimeno Feliu, José María; de Guerrero Manso, María del Carmen (eds), "Observatorio de los Contratos Públicos 2018" (Thomson-Aranzadi, 2019). 45 pages.

Impact of Public Procurement Aggregation on Competition: Risks, Rationale and Justification for the Rules in Directive 2014/24. Sanchez-Graells, Albert and Herrera Anchustegui, Ignacio, in Valcárcel Fernández P (eds), *"Compra conjunta y demanda agregada en la contratación del sector público Un análisis*

jurídico y económico" (Thomson-Aranzadi, 2016), p. 129-163. *This book chapter has been referred to by the European Commission in a Policy Paper.*

Buyer power exploitation: Unfair Purchasing Practices. Herrera Anchustegui, Ignacio, in Cachafeiro García, Fernando; García Pérez, Rafael; López Suárez, Marcos (eds), "*Derecho de la Competencia y Gran Distribución"* (Thomson-Aranzadi, 2016). 73 pages.

The Social Market Economy and the European Union. Herrera Anchustegui, Ignacio, in Anischuk NVK, Mykhailo (ed), *"Історико-правовий вимір інтеграційного процесу у новий та новітній час"* (Historical and Legal Views on the Integration Process During the Modern and Contemprorary Era), (Odessa Law Academy, Ukraine 2016), p. 74-79.

Division into Lots and Demand Aggregation – Extremes Looking for the Correct Balance? Herrera Anchustegui, Ignacio, in GS Ølykke & A Sánchez-Graells (eds), *"Reformation or Deformation of the EU Public Procurement Rules in 2014"*, (Cheltenham, Edward Elgar Publishing, 2016), p. 125-145.

Reports and PhD thesis

Utredning av muligheten for å etablere en inngrepshjemmel mot ensidige handlinger i verdikjeden for mat som ikke rammes av konkurranseloven § 11 / Unilateral Behaviors Below Dominance and Unfair Purchasing Practices: A Comparative Perspective. Gjendemsjø, Ronny; Herrera Anchustegui, Ignacio. Report entrusted by the Nærings- og Fiskeridepartementet, Oslo, 68 pages (2017).

Buyer Power in EU Competition Law. Herrera Anchustegui, Ignacio. Thesis for the degree of philosophiae doctor (PhD). University of Bergen, Faculty of Law. Bergen, Norway, 603 pages (2017).

Book Reviews

Herrera Anchustegui, Ignacio, Book review of "**Legal Foundations of EU Economic Governance"**, by A. Estella (Cambridge: Cambridge University Press, 2018, ISBN 9781107141018). Journal of Common Market Studies (2019); Volume 57(5) p. 1204-1205.

Herrera Anchustegui, Ignacio, Book review of "**Aims and Values in Competition Law**". Caroline Heide-Jørgensen; Christian Bergqvist; Ulla Neergaard; Sune Troels Poulsen (eds), (DJØF Publishing, Copenhagen, 2013)". Competition Law Review (2015); Volume 11, Issue 2, p. 1-4.

Herrera Anchustegui, Ignacio, Book review of "**Public Procurement and the EU Competition Rules (2nd Edition)**". Albert Sánchez Graells (Hart Publishing 2015)". European Competition Law Review (2015); Vol. 37, No. 2, p. 84-87.

Selected Popular Science and Media Publications

"**La små bedrifter få konkurrere på like vilkår**", Arve, Malin; Herrera Anchustegui, Ignacio. Bergens Tidende. 9 September 2019.

"**Strømbrudd i ACER-debatten**", Røed, Øyvind; Herrera Anchustegui, Ignacio. Energi og Klima: Norsk klimastiftelses nettmagasin, p. 1-4. 21 March, 2018.

"**Hva er egentlig ACER - Eksperten gir deg svar**", Herrera Anchustegui, Ignacio. Dagsavisen. 20 March, 2018.

"**DIA/EROSKI y las alianzas compradoras, segunda parte: La Resolución de la CNMC**", Herrera Anchustegui, Ignacio. Guest entry in the blog Competencia y Regulación of Prof. Antonio Robles Martín-Laborda. December 2016.

"**Issues with the centralisation of procurement**", Herrera Anchustegui, Ignacio. Interview in the Public Procurement Podcast Series by Pedro Telles, Senior Lecturer in Law at Swansea University and sponsored by the British Academy for the Humanities and Social Sciences. November 2016.

"**Sobre el abuso de dependencia económica y los códigos de conducta: El caso Tesco (plazos de pago y slotting allowances)**", Herrera Anchustegui, Ignacio. Guest entry in the blog Competencia y Regulación of Prof. Antonio Robles Martín-Laborda. February 2016.

"**Unfair purchasing practices and the Groceries Code of Conduct: the Tesco Investigation**", Herrera Anchustegui, Ignacio. Guest entry in the Competition Policy Blog of the Centre for Competition Policy (University of East Anglia). February 2016.

"**Sobre el abuso de dependencia económica en la cadena alimentaria: el asunto EDEKA**" (On abuse of economic dependence in food retailing: the EDEKA case). Guest entry in the blog Competencia y Regulación of Prof. Antonio Robles Martín-Laborda. December 2015.

SCIENTIFIC & REFEREE AFFILIATIONS

General Manager and Associated Researcher to the Bergen Center for Competition Law and Economics (BECCLE), Norway.

Associated Member of the Bergen Offshore Wind Centre (BOW), Bergen, Norway.

Associated Member of the Aberdeen University Centre for Energy Law, Scotland, UK.

Member of the European Environmental Law Forum.

Member of the Scientific Advisory Committee and **Peer Reviewer** for the European Competition and Regulatory Law Review – CoRe (Lexxion, Berlin).

Peer Reviewer for the Journal of Antitrust Enforcement (Oxford University Press).

CONFERENCE/SEMINAR PARTICIPATIONS AS SPEAKER

2020 **From Enso/Stora to Uber/Lyft: Uses and Abuses of Buyer Power**. Autoridade da Concorrencia Seminar Series, Portuguese Competition Authority. Lisbon, Portugal [17 Jun]

Offentlig støtte og finansiering av norsk havvind. Webinar om finansiering av norsk havvind. University of Bergen. Bergen, Norway [22 Apr]

The Norwegian Offshore Wind Paradox. Aberdeen University Centre for Energy Law Seminar Series, Aberdeen, UK [3 Mar]

Governing Offshore Wind: Legal Challenges, Market Opportunities and Policy Perspectives (GOV-WIND). Aberdeen University Centre for Energy Law Seminar Series, Aberdeen, UK [2 Mar]

The Norwegian Offshore Wind Paradox: Legal Framework. Energy Transitions 2020 Conference, University of Eastern Finland, Joensuu, Finland [27 Feb]

Law & Economics panel: Divesting and the oil fund: The Norwegian Paradox and Competition Concerns. Conference: Investing in our future, divesting from our past. Klimafestivalen 2020. Bergen, Norway. [16 Jan].

Center for Sustainable Legal Orders and the Political Economy: Eit forskingsinitiativ. Fakultetsseminar - Det juridiske fakultet UiB. Bergen, Norway [6 Jan]

2019 **Ordoliberalism and Competition Law**. KoGuan School of Law Seminar Series, Shanghai Jiao Tong University. Shanghai, China. [12 Dec].

Buyer Power in EU Competition Law. KoGuan School of Law Seminar Series, Shanghai Jiao Tong University. Shanghai, China. [28 Nov].

Demand Response: Technological Changes and The Rules of the Clean Energy Package. International Congress: The Digital Economy Regulatory Contractual and Competition Aspects. University Carlos III of Madrid, Spain. [15 Nov].

Faculty of Law and Bergen Offshore Wind Centre - DeWindSea & Gov-Wind Projects. Schütz, Sigrid Eskeland; Herrera Anchustegui, Ignacio. Science Meets Industry. Bergen, Norway [12 Sep].

The Venezuelan Political and petroleum Crisis – recoverable? Aberdeen University Centre for Energy Law Seminar Series. University of Aberdeen, UK. [14 Aug].

Utilities Procurement and Sufficient Exposure to Competiton: The Energy Case. International Seminar on Utilities Procurement. University of Bergen, Faculty of Law. Norway. [27 Jun].

The Dis-Application of the Public Utilities Directive to Energy Operators due to Sufficient Competition. Academic Conference "Security and regulation of the energy market", Faculty of Law and Administration of the University of Lodz, Poland. [23 May].

An Introduction to the Competitiveness and Regulation of Offshore Wind Electricity. The Competitiveness and Regulation of Offshore Wind Electricity, Seminar. University of Bergen, Faculty of Law. Bergen, Norway. [20 May].

Competencia, Interés General y Mala Regulación (Competition, General Interest and Bad Regulation). Masterclass Seminar Series. Faculty of Law, University of Deusto. Bilbao, Spain [10 May].

Derecho de la Competencia, Economía y Prueba. University of the Basque Country. Donostia/San Sebastian, Spain. [8 May].

Regulating Unfair Trading Practices in EU Law. Bergen Center for Competition Law and Economics (BECCLE) Annual Conference 2019, Bergen, Norway. [25 Apr].

Investing in European Energy Markets and State aid rules. School of Law, Tulane University, New Orleans, USA. [3 Apr].

Capacity Remuneration Mechanisms in EU Law. Aberdeen University Centre for Energy Law Seminar Series. University of Aberdeen, UK. [7 Feb].

What to do with Zero Rating? Yearly Conference Academic Nordic Network of Competition Law. Reykjavik University, Iceland [31 Jan – 1 Feb].

2018 **Centralized (Joint) Procurement: Fostering competitiveness?** EPCO Public Procurement Conference. Luxembourg Central Bank. Luxembourg [12 Dec].
Internet of Things and Demand Response in Electricity Markets. Internationalization Days of Administrative Law (Jornadas de Internacionalización de Derecho Administrativo). Universidad de Vigo, Spain [29 Oct].
Ayudas Estatales y Mecanismos de Remuneración de Capacidad (State aid and capacity remuneration mechanisms). Seminarios Fundación FIDE. Madrid, Spain [25 Oct].
Centralized Purchasing: Between Competition and Procurement. Conference of Centralization of Public Purchases. University of Lisbon, Portugal [Oct 2].
Demand Response: Legal Challenges. Competition from Bottom to Top: New Trends in Electricity Markets, BECCLE and UiB Energy Lab Seminar. Bergen, Norway [24 Sep].
Zero rating, a competition and legal perspective. Max Planck Institute for Research on Collective Goods Seminar Series. Bonn, Germany. [5 Jun].
Is the growth of buyer power a competition problem? Konferanse i konkurranserett. Konkurransetylsinett. Bergen, Norway. [29 May].
Reflecting upon the 'As Efficient Competitor Test'. XXX CLaSF Workshop. University of Graz, Austria. [19 Apr].
Net Neutrality and Zero Rating: Competition Issues? Seminar in commemoration of Prof. Gabrielsen's 60th Birthday, Institute of Economics, UiB. Bergen, Norway. [6 Apr].

2017 **Poder de compra y defensa de la competencia: análisis jurídico-económico.** Seminarios Fundación FIDE. Madrid, Spain [17 Dec].
Buyer power, joint purchasing and unfair purchasing. Det årlige konkurranserettskurset. Sandefjord, Norway [21-22 Sep].
Unbundling in electricity transmission and distribution in the EU. Public Service Commission of the District of Columbia. Washington D.C., USA [15 Jun].
Third Party Access and Transmission Unbundling: A Transatlantic Perspective. Maryland Public Service Commission. Baltimore, USA [12 Jun].
Third Party Access and Transmission Unbundling: A Transatlantic Perspective. Global Legal Studies Seminar Series. School of Law, University of Wisconsin. Madison, USA [25 May].
Buyer Power in Competition Law. Chicago-Kent College of Law, Illinois Institute of Technology. Chicago, USA [18 Apr].
Competition Law and Ordoliberalism. Oñati International Institute for the Sociology of Law. Oñati, Basque Country, Spain [Jan 17].

2016 **Buyer Power in EU Competition Law.** BECCLE Seminar Series, Bergen Center for Competition Law & Economics. Bergen, Norway [Dec 19].
What is Buyer Power all about in EU Competition Law? Nordic Academic Meeting of Competition Law, 2016. Stockholm School of Economics, Stockholm, Sweden [Oct 3-4].
Unfair Purchasing Practices. CLEEN 2016 Workshop, Max Planck Institute / CLEEN Network. Bonn, Germany [May 24-25].

Poder de Compra en el Derecho Comunitario de la Competencia. II Jornada de la Red Académica del Derecho de la Competencia, Red Académica del Derecho de la Competencia. University of Valladolid, Faculty of Law, Spain [17-18 May].
Exclusionary Buyer Power. II BECCLE Competition Policy Conference, Bergen Center for Competition Law & Economics, Bergen, Norway [21 Apr].
Exclusionary Buyer Power, a comparative perspective. Global Legal Studies Seminar, University of Wisconsin, School of Law. Madison, USA [Mar 14].
Unfair Purchasing Practices in EU Competition Law. Mitchell | Hamline School of Law, Faculty Colloquium Committee. Minneapolis, USA [Mar 2].
Exclusionary Buyer Power. University of Minnesota Law School, Minneapolis, USA [Mar 1].

2015 **The Competition Principle in the Utilities Directive.** Nordic Public Procurement Forum 2015. Copenhagen, Denmark [Nov 24-27].
Ups and Downs of Buying Big. Kofas Fagkonferanse 2015. Bergen, Norway [Oct 13].
Centralizing Public Procurement Purchases in Directive 2014/24. UACES 45th Annual Conference. University of Deusto, Bilbao, Spain [Sep 6-9].
Buyer Market Power Assessment. 9th CLEEN Workshop 2015. University of Tilburg, The Netherlands [May 28-29].
Market Definition in Buyer Markets. I BECCLE Competition Policy Conference, Bergen, Norway [Apr 22-23].
Buyer power in EU and EEA Law. EFTA Court, Luxembourg [Apr 20].
Buyer Power through an Ordoliberal Lens. Walter Eucken Institute Seminar. Freiburg, Germany [Jan 19].

2014 **Public Procurement Law at the University of Bergen.** Kofas Fagkonferanse 2014. Bergen, Norway [Oct 30].
Buyer power in EU competition law: An economically informed legal analysis. 8th CLEEN Workshop 2014. Centre for Competition Policy, University of East Anglia, UK [Jun 10-11].

2013 **The Regulation of Monopsony and Buyer Power of Contracting Authorities subject to EU Public Procurement Law.** Nordic Competition Law Meeting 2013. University of Helsinki. Helsinki, Finland [Oct 3-4].

LANGUAGES

1. Spanish: Native language.
2. English: Fluent user.
3. German: B2/2. Intermediate/advance writing and speaking skills.
4. Norwegian: B1/2. Intermediate writing and speaking skills.
5. French: Basic writing and speaking skills.
6. Italian: Basic writing and speaking skills.

ERASMUS

INTENSIVE COURSE

2020/2021

CÓDIGO *Code*	**NOME DA DISCIPLINA** *Course*	**CARGA HORÁRIA** *Hours*
8121	Introduction to EU Energy Law	10h.

PROFESSOR OU PROFESSORES *Professor(s)*
Ass. Prof. Ignacio Herrera Anchustegui

Overview:

Course summary:

Introduction to EU Energy Law aims at giving you, the student, knowledge and understanding of the regulation of the production, distribution and marketing of energy of energy in Europe. Energy law is at the very centre of climate and environmental law and the question of sustainable development. The World is facing a great challenge in producing enough energy in a manner that does not lead to global warming and climate change. Energy is essential for all aspects of life in a modern society and the need for energy is growing. Energy production from fossil sources (like coal, oil and gas) is also one of the main drivers of climate change, and great efforts are made to bring about a shift from energy production based on fossil fuels to renewable energy sources, in order to stop or at least limit climate change.

And for European lawyers energy is also at the core of our study and with reason. More and more Energy Law becomes EU Law and more and more EU Law deals with energy. With the Lisbon Treaty, shared competences in energy are added to the Union through Article 194 TFEU but energy and EU law have a long story. Indeed, the European Coal and Steel Community a predecessor of the EU can be traced to the 1950s and EU energy regulation has been enacted in several packages – with the Clean Energy Package of 2018-2019 being the last example.

Course focus:

This course will focus on analyzing the most important developments in EU energy law following the very recent Clean Energy Package instruments and the European Green Deal. In such a perspective, the course will reflect on how EU legal regulation can contribute to an effective and sufficient energy production and marketing within sustainable limits. Also, during our lectures, we will discuss the main legal principles, systems and instruments used to influence energy production and consumption. Lastly, the rules we will study in the

classes will also be applicable and have an impact on the way energy is regulated in your home country, making the lectures very relevant.

The course will cover governance and regulation of production and distribution of electricity and gas, as well as specific rules for renewable energy (like hydro, wind, solar, thermal and other forms of energy. It will cover also all the different energy market chains: generation, transport and retail. To do this, the course will focus on the study and analysis of the following European instruments:

- The recast Renewable Energy Directive (EU) 2018/2001
- Regulation establishing a European Union Agency for the Cooperation of Energy Regulators (EU) 2019/942
- Regulation on the internal market for electricity (EU) 2019/943
- Directive on common rules for the internal market for electricity (EU) 2019/944
- Internal gas Directive 2019/692

Course lectures:

- Lecture 1: Introduction to energy law. Energy trilemma. Sovereignty over Energy resources. EU-law framework. Article 194 TFEU and competences. General EU energy framework overview – what is covered and what not. EU energy regulator – the case of ACER.
- Lecture 2: Generation of energy: Energy market liberalization. Licensing systems, typical requirements. Public service obligations. Wholesale energy markets: power purchasing agreements, day-ahead and intraday markets. National regulatory authorities.
- Lecture 3: Transport systems for energy. Roles of network operators: TSOs and DSOs. Pipelines, grids, cross-border transmission. Third-party access and unbundling rules.
- Lecture 4: Retailing markets. Consumer rights and obligations. Energy poverty rules. Renewable energy rules and the European Green deal, pt. 1.
- Lecture 5: Renewable energy rules and the European Green deal, pt. 2. EU Energy Regulation & Competition and State aid Law.

REFERÊNCIAS:
References

- Kim Talus, Introduction to EU Energy Law (Oxford University Press 2016)
- Catherine Redgwell, International regulation of Energy activities, in M Roggenkamp, C Redgwell, A Rønne, and I del Guayo (Ed.), Energy Law in Europe; National and International Regulation, Third Edition 2016, Chapter 2.
- Hans Vedder, Anita Rønne, Martha Roggenkamp, and Ingio del Guayo, EU Energy Law, in M Roggenkamp, C Redgewell, A Rønne, and I del Guayo (Ed.), Energy Law in Europe; National and International Regulation, Third Edition 2016, Chapter 4
- Herrera Anchustegui I, 'Transmission Networks in Electricity Competition: Third-Party Access and Unbundling – a Transatlantic Perspective' in Ruiz Peris JI and Cerdá Martínez-Pujalte CM (eds), Competencia en mercados con recursos esenciales compartidos: telecomunicaciones y energía (Aranzadi 2019). Available at SSRN: https://ssrn.com/abstract=3159458

- EU Commission: Clean Energy Package
- Herrera Anchustegui, Ignacio and Formosa, Andreas, Regulation of Electricity Markets in Europe in Light of the Clean Energy Package: Prosumers and Demand Response (September 5, 2019). Available at SSRN: https://ssrn.com/abstract=3448434
- Herrera Anchustegui, Ignacio and Bergqvist, Christian, The Role of State Aid Law in Energy (September 1, 2019). Handbook of Energy Law, Soliman Hunter, T, Herrera Anchustegui, I, Crossley, P, Álvarez, G (eds), Routledge, 2019 - Forthcoming. Available at SSRN: https://ssrn.com/abstract=3446687
- Bergqvist, Christian and Herrera Anchustegui, Ignacio, Uses and Abuses of EU Competition Law in Energy (January 28, 2019). Available at SSRN: https://ssrn.com/abstract=3324189

Introduction to the History of Justice

Professor: Isabel Graes

Syllabus:

Seminar description:

I. Introduction : brief considerations about the History of justice and its importance
II. Preparing the modern period: The Middle Age and its legacy
III. The first judicial maps
IV. The political power and the judiciary institutions
V. The judiciary institutions
VI. The positive law
VII. The perfect judge and the good lawyer
VIII. The instruments of justice

Learning outcomes:

The present seminar aims to provide a framework and an overview of the occidental judicial system during the modern Age, especially regarding the Portuguese example.

Teaching methodologies (including evaluation)

Methodology and assessment: The themes will be presented by the teacher and the students are prompted to intervene and participate.
The class requires active and regular participation and preparation for daily discussions. This includes attending each class on time, listening, contributing in class.
Grades will be based exclusively on class participation and a writing assignment that has to be emailed until the 30th November.
No exam will be required.

Optional Bibliography:

ASCHERI, M., *Tribunali, giuristi e istituzioni dal medioevo all'età moderna*, Bologna, 1989;
BENTON, Lauren & ROSS, Richard J., *Legal pluralism and empires, 1500-1850*, New York, New York Press, 2013;
BASDEVANT-GAUDEMET, Brigitte e GAUDEMET, Jean, *Introduction historique au droit, XIII-XX siècles*, LGDJ, 2ª ed., Paris, 2003;
BERNAL, José Sánchez-Arcilla, *El arbítrio judicial en el Antiguo Regimen (españa y Indias, siglos XVI-XVIII*), Dykinson, S.L., Madrid, 2012;

Manual de Historia del Derecho, Madrid, manuales jurídicos Dykinson, 2004;
CABRERO, José Luís Bermejo, *Poder político y administración de justicia en la España de los Austrias*, Imprenta nacional del Boletín oficial del estado, Madrid, 2005;
CASTELLANO, Juan Luis, *Gobierno y poder en la España del siglo XVIII*, Universidad de Granada, Granada, 2006;
CLAVERO, Bartolomé, *La monarquía, el derecho y la justicia*, en Instituciones de la España moderna, Las jurisdicciones (coord. E. Martinez Ruiz y M. de Pazzis), Madrid, 1996;
GAUVARD, Claude, *Les juges devant le parlement de Paris aux XIVe et XVe siècles*, *in Juger les juges: Du moyen âge au conseil supérieur de la magistrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;
Punir et réparer en justice du XVe au XXIe siècle, La documentation française, Paris, 2019;
HALPERIN, Jean Louis, *Forfaiture des juges et privation de l'office á la fin de l'Ancien Régime, in Juger les juges: Du moyen âge au conseil supérieur de la magiustrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;
Histoire des Droits en Europe de 1750 à nos jours, Paris, Flammarion, 2004;
Five Legal Revolutions since the 17th century. An Analysis of a Global Legal History, Springer, 2014;
HESPANHA, António Manuel, *Les magistratures populaires dans l'organisation judiciaire d'ancien régime au Portugal*, Sep. de: Diritto e potere nella storia europea, atti del quarto Congresso internazionale della Società Italiana del Diritto, *in* onore di Bruno Paradisi, Leo S. Olschki, Firenze, 1982;
HILAIRE, JEAN, *Histoire des institutions judiciaires*, Paris, Les Cours de droit, 1990-1991, 2 vols.;
KRYNEN, JACQUES, *L'éléction des juges. Étude historique française et contemporaine*, Paris, PUF, 1999;
LEYTE, Guillaume, *Les origines médiévales du ministére public*, in Jean Marie Carbasse (dir.), Histoire du Parquet, PUF, Paris, 2000;
PADOA-SCHIOPPA, Antonio, *Justice et législation*, sous la direction d'Antonio Padoa-Schioppa, *Les origines de l'état moderne en Europe, XIII-XVIII siècles* et sous la direction générale de Wim Blockmans et Jean-Philippe Genet, PUF, Paris, 2000;
OLIVIER-MARTIN, François *Histoire du droit français des origines à la révolution*, édtions Domat Montchréstien, s/l, 1948, pp. 29-31, 54-59, 139-141, 186-193;
STOLLEIS, Michael, *Introducción al Derecho Publico alemán (siglos XVI-XXI),* Marcial Pons, Madrid, 2018;
SUEUR, Philippe *Histoire du droit public français, XVe-XVIII esiècle*, PUF, 2ª ed., 1993, II vol.;
TOMÁS Y VALIENTE, Francisco, *Gobierno e Instituciones en la España del antiguo Regimen*, Alianza editorial, Madrid, 1999;
WIEACKER, Franz, A history of private law in Europe, Clarendon Press, 1995.

PERSONAL INFORMATION

Regina Valutyte

Ateities 20, LT-08303, Vilnius, Lithuania

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

EDUCATION AND TRAINING

10/2006 – 05/2010 — **Doctor (PhD) in social sciences (law)**
Mykolas Romeris University, Faculty of Law, Vilnius, Lithuania

09/2001 – 06/2006 — **Master of Law**
Vilnius University, Faculty of Law, Vilnius, Lithuania

PERSONAL SKILLS

Mother tongue(s) Lithuanian

Other language(s)

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
English	C2	C2	C1	C1	C2
Spanish	C1	C1	B2	B2	B2
Russian	C1	A2	A2	A2	A2
French	A2	B1	A2	A2	A2
German	A1	A1	A1	A1	A1

Levels: A1/2: Basic user - B1/2: Independent user - C1/2 Proficient user
Common European Framework of Reference for Languages

ADDITIONAL INFORMATION

Membership in networks Representation

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

Lectures and seminars (Guest lectures)

- 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, 8-12 September 2014
- 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.
- Course on "*Right to life and prohibition of torture*". Rouen University, France, 10-14 September 2012.
- Course on "*Protection of human rights in EU after Lisbon Treaty*". Rouen University, France, April 2012.
- Cycle of lectures on "*State responsibility in international law*" and "*Protection of human rights in EU law*". University of Santiago de Compostela, Spain, April 2011.
- Course on "*Right to life and prohibition of torture, inhuman or degrading treatment or punishment*". Rouen University, France, 25-30 September 2010.
- Course on "*Prohibition of torture and inhuman or degrading treatment or punishment*". Le Havre University, France, 19-24 September 2010.

Lectures at International summer school on human rights on "*Right to life and prohibition of torture and inhuman or degrading treatment or punishment*", in July 2009-2016.

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Publications

- Valutytė, Regina. Insolvable issues of ineffective individual redress for torture in Syria: unavoidable or inevitable? // *International comparative jurisprudence*. Vilnius ; Amsterdam: Mykolas Romeris University ; Elsevier B.V. eISSN: 2351-6674. 2017, vol. 3, iss. 1, p. 55-66. [ScienceDirect] [M.kr.: 01S]
- Valutytė, Regina ; Mickevičiūtė, Neringa. Remedying torturous effects of the use of chemical weapons under internalional law. In : Prosecuting international crimes : a multidisciplinary approach / Edited by Bartlomiej Krzan. Leiden ; Boston : Brill Nijhoff, 2016.
- Valutyte, Regina. Is the European Union in crisis of respect to privacy? Draft PNR

Directive in light of Digital Rights Ireland Judgment. In *International Legal Studies III.* Universitätsverlag Halle-Wittenberg, 2016.

▪ Bonichot, Jean-Claude; Christianos, Vassili; Valutytė, 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.

▪ Cape, Ed; Namoradze, Zaza; Grovez, Yonko; Bokhashvili, Besarion; Abramavičiute, Inga; Valutytė, Regina; Hriptievschi, Nadejda; Bushchenko, Arkadiy; Tokarev, Gennadiy. *Effective criminal defence in Eastern Europe*: Bulgaria, Georgia, Lithuania, Moldova, Ukraine / Ed Cape, Zaza Namoradze. [Sofia]: Soros Foundation-Moldova, 2012. 528 p. ISBN 9789639719101.

▪ Vitkauskaitė-Meurice, Dalia; Valutytė, Regina; Gailiūtė, Dovilė. *Limitations of Expressing Religious Freedom in a Democratic Society*: mokslo studija / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio universitetas, 2012. 155 p. ISBN 9789955194781.

▪ Valutytė, Regina; Gailiūtė, Dovilė. *The exercise of religious freedom in educational institutions in the light of ECtHR jurisprudence* // Wroclaw review of law, administration & economics. Wroclaw: University of Wroclaw. ISSN 2084-1264. 2012, vol. 2, no. 2, p. 45-61. [DOAJ].

▪ Katuoka, Saulius; Ravluševičius, Pavelas; Žiobienė, Edita; Vaigė, Laima; Vitkauskaitė-Meurice, Dalia; Valutytė, Regina; Biekša, Laurynas; Račkauskaitė-Burneikienė, Aistė; Vyšniauskaitė-Radinskienė, Kristina; Gailiūtė, Dovilė. *Protection of ethnic minorities: international law aspects* : mokslo studija / Mykolo Romerio universitetas. Vilnius: Mykolo Romerio universitetas, 2013. 407 p. ISBN 9789955195498.

▪ Katuoka, Saulius; Jarašiūnas, Egidijus; Tamavičiūtė, Vitalija; Žalimas, Dainius; Mikša, Katažyna; Račkauskaitė-Burneikienė, Aistė; Vitkauskaitė-Meurice, Dalia; Valutytė, Regina; Nasutavičienė, Justina. *Transnacionalinės teisinės sistemos - santykio ir sąveikos problemos* : mokslo studija / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio universitetas, 2014. 371 p. ISBN 9789955196785.

▪ Valutytė, Regina. Drakšas, Romualdas. *The concept of torture in International law* // Teisė : mokslo darbai / Vilniaus universitetas. Vilnius: Vilniaus universiteto leidykla. ISSN 1392-1274. 2009, T. 71, p. 7-24. [Criminal Justice Abstracts with Full Text (EBSCO); TOC Premier].

▪ Drakšas, Romualdas; Valutytė, Regina. *The Problems of Determination and Implementation of Criminal responsibility for torture in Lithuania* // Teisė : mokslo darbai / Vilniaus universitetas. Vilnius : Vilniaus universiteto leidykla. ISSN 1392-1274. 2010, t. 74, p. 46-56. [Criminal Justice Abstracts with Full Text (EBSCO); TOC Premier].

▪ Valutytė, Regina. *Possible infringements of constitutional principles and the Convention of human rights while implementing the principle of state liability for the acts of the courts of last instance* // Socialinių mokslų studijos = Social sciences studies : mokslo darbai / Mykolo Romerio universitetas. Vilnius: Mykolo Romerio universiteto Leidybos centras. ISSN 2029-2236. 2009, Nr. 3(3), p. 145-164. [IndexCopernicus; SocINDEX with Full Text].

▪ Valutytė, Regina. *Legal basis of state liability for the acts attributable to the courts of final instance* // Socialinių mokslų studijos = Social sciences studies : mokslo darbai. Vilnius: Mykolo Romerio universiteto Leidybos centras. ISSN 2029-2236. 2009, Nr. 2(2), p. 137-156. [IndexCopernicus; SocINDEX with Full Text].

▪ Valutytė, Regina. *The legal consequences for the disregarding the obligation to make a reference for a preliminary ruling to the Court of Justice* // Jurisprudencija : mokslo darbai = Jurisprudence : research papers / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio Universiteto Leidybos centras. ISSN 1392-6195. 2010, Nr. 3(121), p. 177–194. [IndexCopernicus; Academic Search Complete; Current

Abstracts; TOC Premier].
▪ Valutytė, Regina. *Concept of court's fault in state liability action for infringement of European Union law* // Jurisprudencija : mokslo darbai = Jurisprudence : research papers / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio universiteto Leidybos centras. ISSN 1392-6195. 2011, Nr. 18(1), p. 33-48. [IndexCopernicus; Academic Search Complete; Current Abstracts; TOC Premier].
▪ Valutytė, Regina. *Legal consequences for the infringement of the obligation to make a reference for a preliminary ruling under constitutional law* // Jurisprudencija : mokslo darbai = Jurisprudence : research papers / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio universitetas. ISSN 1392-6195. 2012, Nr. 19(3), p. 1171-1186. [Academic Search Complete; TOC Premier; IndexCopernicus].
▪ Valutytė, Regina. *State liability for the infringement of the obligation to refer for a preliminary ruling under the European Convention on Human Rights* // Jurisprudencija : mokslo darbai = Jurisprudence : research papers / Mykolo Romerio universitetas. Vilnius : Mykolo Romerio universitetas. ISSN 1392-6195. 2012, Nr. 19(1), p. 7-20. [Academic Search Complete; TOC Premier; IndexCopernicus].
▪ Vitkauskaitė-Meurice, Dalia; Štarienė, Lijana; Valutytė, Regina; Gailiūtė, Dovilė; Biekša, Laurynas; Račkauskaitė-Burneikienė, Aistė; Žilinskas, Justinas. *Tarptautinės žmogaus teisių apsaugos uždavinynas* : metodinė priemonė / Dalia Vitkauskaitė-Meurice ... [et al.]. Vilnius : Mykolo Romerio universitetas, 2013. 106 p. ISBN 9789955195702.
▪ Valutytė, Regina. Drakšas, Romualdas. *Valstybės atsakomybės pagal privataus asmens ieškinį principo samprata ir įgyvendinimo sąlygos* // Justitia : teisės mokslo ir praktikos žurnalas. Vilnius : Leidykla "Justitia". ISSN 1392-5709. 2007, Nr. 2 (64), p. 67-76.

Conferences

▪ 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 Check Republic. 13-14 October 2016.
▪ Presentation on "*Development of PNR Systems in Selected Countries: Comparative Analysis*" at the International conference "*EU law enforcement information exchange: development of PNR system*" in Vilnius, Lithuania. 16-17 June 2016.
▪ Presentation on "*Implementation of PNR in Lithuania, the Strategic Guidelines for 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/not 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.

▪ Presentation on "*Protection of Human Rights in the EU While Implementing the Resolutions of the UN Security Council*" at the International Conference "*Transnational Legal Systems – the Guarantee of Justice, Security and Protection of Human Rights*" in Vilnius, Lithuania. 29 March 2013.

▪ Presentation on "*Concept and Legal Regime of the Space*" at the national conference "*Business in Space and Law: Mystique or Reality*" in Vilnius, Lithuania. 21 March 2013.

▪ Presentation on "*State Liability for Decisions of Constitutional Courts: Fantasy or Reality*" at the International Academic Conference "*Liability of Public Officers*" in Plock, Poland. 15 January 2013.

▪ Presentation on "*Effective Criminal Defence Rights in Eastern Europe: Lithuanian Report*" at international academic-practical conference in Brussels, Belgium. 7 July 2012.

▪ Presentation on "*The Tangibility of the Guarantee to the Right to Defence: From Searching to Findings*" at the international academic-practical conference "*State-guaranteed Legal Aid: Problems and Solutions*" in Vilnius, Lithuania. 5 May 2012.

▪ Presentation on "*State Liability for the Acts of Constitutional Courts under EU Law*" at international conference of young scholars "*Comparative Aspects of Recent Legal Research in Eastern and Central Europe*". Vilnius, Lithuania. 26 May 2010.

▪ Presentation on "*Possible Infringements of the ECHR while Implementing State Liability for Decisions of Final Courts under EU law*" at the national conference "*Relevant Questions of International Law in XXI Century*" in Vilnius, Lithuania. 17 November 2008.

▪ Presentation on „*Governmental Liability for Damages Caused by the Highest Courts – a Guarantee or a Brake*?" at international academic conference in Riga, Latvia. 27 September 2008.

PROGRAMME OF THE COURSE

INTERNATIONAL AVIATION LAW

Lecturer: Prof. dr. Regina Valutyte,
Institution: Mykolas Romeris University, Vilnius, Lithuania
Duration of the course: 10 contact hours
Start and end of the lectures: tbc
Place: Distance learning (Zoom or alternative platform, tbc)
Assessment: Exam (multiple choice test) or written paper (upon student's choise)
Contact details: e-mail 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: 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. Aviation security

Literature

- 1944 Convention on International Civil Aviation (Chicago), its protocols and summary of the Annexes: http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf
- Annex 2: http://www.icao.int/Meetings/anconf12/Document%20Archive/an02_cons%5B1%5D.pdf
- Annex 7: http://www.pilot18.com/icao-annex-7-ac-reg/
- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo), in force since 1969: https://www.icao.int/Meetings/LC35/Refererences/Tokyo%20Convention.EN.FR.SP.pdf
- 2014 Protocol to amend the Convention on on Offences and Certain Other Acts Committed on Board Aircraft (Montreal): http://www.icao.int/Meetings/AirLaw/Documents/Protocole_mu.pdf

- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal), in force since 1973: http://hrlibrary.umn.edu/instree/civilaviation.html
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal), in force since 1989: https://www.un.org/ruleoflaw/blog/document/protocol-on-the-suppression-of-unlawful-acts-of-violence-at-airports-serving-international-civil-aviation-supplementary-to-the-convention-for-the-suppression-of-unlawful-acts-against-the-safety-of-civ/
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague): https://treaties.un.org/doc/Publication/UNTS/Volume%20860/volume-860-I-12325-English.pdf
- 2010 Protocol supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing): https://www.icao.int/secretariat/legal/Docs/beijing_protocol_multi.pdf
- Beijing Convention - Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation: https://www.icao.int/secretariat/legal/Docs/beijing_convention_multi.pdf
- 1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (Montreal): http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22001A0718(01):en:HTML
- revisions of limits of liability: http://www.icao.int/secretariat/legal/Administrative%20Packages/mtl99_en.pdf
- Regulation 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0261
- Diana M. Stancu. AVSEC: beyond Chicago until Beijing. http://www.3skies.eu/AVSEC%20Conventions%20PUBLISHED%20article.pdf
- P. Dempsey, Public International Air Law (2008):
    - https://drive.google.com/file/d/1MRUxDSDASlJdq2aZPcEHWragloPR2z9N/view?usp=sharing
    - https://drive.google.com/file/d/1MRUxDSDASlJdq2aZPcEHWragloPR2z9N/view?usp=sharing
    - https://drive.google.com/file/d/1si7xDNRRPM9HraMlR2eq8YgWhsvNIZrZ/view?usp=sharing

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[1].

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 events, critiquing a variety of perspectives, interpreting results, or drawing inferences.

[1] 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/0003/11397/WE_Paragraphs_Connecting-your-ideas.pdf; http://www.une.edu.au/__data/assets/pdf_file/0003/13458/WE_Paraphrasing-and-summarising.pdf

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**[2]. For identification of the sources use a Chicago citation style[3]. 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.

Evaluation criteria

Requirements
Proper Style and Format
• The paper includes a title page and page numbers; • The paper is produced in an academic language; • The author properly follows font requirements; • Essay is of adequate length; • Citations are correct and follow the style.
Structure and Organization
• Statement of the problem and the goal is clear; • Logical development of the discussion from one idea to the other in the whole text; • Conclusion summarizes the arguments presented in the body, and negotiates the perspectives in the essay so that the reader is left with a clear impression of what is accomplished in the essay.
Proper Use and Relevance of Research
• The essay relies on contemporary and insightful research; • All arguments have appropriate literature to support them; • Enough sources are used in each paragraph or section to support the arguments.
Level of Analysis and Substantive Adequacy
• The student displays a strong grasp of the topic;

[2] https://en.wikipedia.org/wiki/Plagiarism
[3] http://www.chicagomanualofstyle.org/tools_citationguide.html

- The essay draws out major issues and arguments;
- Arguments are relevant to the essay problem and the goal;
- The arguments present adequate depth;
- The essay reflects careful analysis.

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. Shouting 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.

Course title	The administrative implementation of EU law by the Member States
Duration	10 teaching hours
Dates	November 2nd – 6th
Instructor	Rui Lanceiro

Course objectives

The main objective of this course is to provide a comprehensive insight of the administrative implementation of EU law by the Member States, its justification, legal regime, and the problems that are associated with it.

The course will focus on the theoretical framework the administrative implementation of EU law by the Member States, as well as on the tools and mechanisms available to enforce it and to control compliance with it. The course will also focus on the problems related with this duty, namely concerning the protection of fundamental right such as the right to judicial review of administrative action. Other subjects related with its main topic will be addressed, such as the "Europeanization" of national administrative law, the principle of sincere cooperation, and the principles of institutional and procedural autonomy of the Member States.

Course Description

In a multilevel structure with the power to adopt legislative acts, such as the EU, one of the questions that need to be addressed is the distribution of implementing powers through the various entities involved. Generally, the EU relies on Member States' administrations for the administrative implementation and safeguarding of EU law. This solution was expressly enshrined in Article 291 (1) of the Treaty on the Functioning of the EU (TFEU) by the Lisbon Treaty. The same Treaty introduced the express recognition that the Member State must assure the "effective implementation of Union law", which is considered "essential for the proper functioning of the Union" (Article 197 (1) TFEU). The public administrations of the Member States are thus tasked with ensuring the administrative implementation of EU law in cooperation with the EU institutions, specially the Commission, and this administrative execution depends on them, primarily. This duty to implement EU law is a consequence of the principle of sincere cooperation (Article 4 (3) TEU), which implements and complements it. Since it is only exceptionally that the EU itself will be responsible (Article 291 (2) TFEU), it is the administrations of the Member States which constitute the "common administration" and its courts which are the "ordinary courts" of the EU. In fact, in that case, the Member States are acting indirectly as EU's agents.

In the many EU policy areas where the Member States are involved in the implementation of EU law it is necessary to designate the competent national authorities that will implement and apply EU law at the national level. The legal basis needed to assign implementation competences may vary in the Member States. In this area, one can wonder if the legal basis for the national administration to act is purely national, or dual, with EU law also playing a role.

There is also the question of which procedural law should national administrations use when implementing EU Law. In that case, national procedural law is applicable to the extent that EU law does not regulate the matter – this is called the principle of procedural autonomy of the Member States, which is subjected to the double limitation of the principles of equivalence and effectiveness. National procedural law, in this case, must also ensure respect for the fundamental rights enshrined in the Charter.

There are also cases of cases of joint implementation of EU law, both by national administrations and the EU. In this case, not only are the national administrations of the Member States still bound to implement the legislation of the supra-national level, but are also are integrated in common procedures.

This has led to a progressive structural transformation that has taken place in the legal regimes of the Member States transformations in administrative law principles, in the organization of public bodies, in administrative action and in administrative and judicial review. This phenomenon is sometimes called "Europeanisation" of Member States Administrative Law.

Course Outline

The lecture is divided into five sessions, in the morning from 14:30 to 16:30.

November 2nd, 2020

Introductory Seminar

1. Enforcement of EU Law: general introduction
2. Direct, indirect, and "mixed" / "transnational" administrative implementation of EU Law.
3. Implementation by the EU

3.1. The EU's public administration

3.2. "Agencification" of the EU administration

3.2. Role played by national administrations in the direct implementation.

November 3rd, 2020

Advanced Seminar

4. Implementation of EU Law by Member States – general presentation.

4.1. Duty of Member States to give full effect to EU Law

4.1.1. The principle of sincere cooperation and its consequences

4.1.2. Consistent interpretation and "Costanzo obligation"

4.2. Principle of institutional autonomy of the Member States

4.2.1. Tension with federalism and decentralization at the national level

4.2.2. Independent authorities

November 4th, 2020

Advanced Seminar

4.3. Principle of procedural autonomy of the Member States

4.3.1. Content and consequences

4.3.2. Limits: Direct regulation by EU Law

4.3.2. Limits: Principle of equivalence

4.3.3. Limits: Principle of effectivenes

4.3.4. Limits: Fundamental Rights – Article 51(1) of the Charter

4.3.5. Control by the EU: The Commission and the CJEU

November 5th, 2020

5. "Mixed" / "transnational" administrative implementation

5.1. "Mixed" procedures

5.1.1. Examples: OGM, Pesticides, Nature 2000 sites, Chemicals, Protection of designations of origin and geographical indications

5.2. "Transnational" administrative acts

5.2.1. Examples: Pharma, CITES (trade of endangered species), Ecolabels, Customs Union (binding tariff information decisions, or decisions relating to binding origin information)

5.3. "Composite" procedures

5.3.1. Comitology

5.3.2. Joint execution of EU budget / shared management of EU funds

5.3.3. European System of Central Banks

November 6th, 2020

Advanced Seminar

5.4. Cooperation between national administrations: sharing of information, "horizontal" procedures, networks of national authorities

6. General Principles of EU Administrative Procedural Law

6.1. Right to be heard

6.2. Obligation to state reasons

6.3. Access to justice and review procedures

7. Advantages and disadvantages of Codification

Educational Outcomes

By the end of the Course, participants will be able to:

1. Identify the several ways in which EU law is implemented, either by its own administration, the administrations of the Member States, or by their joint action;
2. Recognize the importance of the administration of the Member States to the administrative implementation of EU Law;
3. Discuss advanced legal questions related with the "Europeanization" of national administrative law, the principle of sincere cooperation, and the principles of institutional and procedural autonomy of the Member States.
4. Identify problems associated with the current model of administrative implementation of EU Law and present possible solutions.

Assignment

To demonstrate achievement of learning outcomes, students will be required to write an essay on one of the subjects covered by the syllabus (for instance: "The main legal challenges of the administrative implementation of EU Law by national Administrations).

Essay should be word-processed and should be maximum 2000 words long. The texts should be presented in: Times New Roman, 11pt font, 1.5 spaced, text justified. All academic work should be referenced and cited. The paper must be submitted online to cursosintensivos@fd.ulisboa.pt by 15 December 2020. Please check the section "General note" below for more information about the essay.

Basic Bibliography

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	• De Lucia Luca, 2012, 'Administrative Pluralism, Horizontal Cooperation and Transnational Administrative Act', *Review of European Administrative Law*, V(2): 17-45. • De Lucia Luca, 'From Mutual Recognition To EU Authorization: A Decline Of Transnational Administrative Acts?,' essay delivered at the 2016 ICON-S Conference Borders, Otherness and Public Law – Berlin, June 17th-19th, 2016 (http://www.ijpl.eu/archive/2016/issue-14/from-mutual-recognition-to-eu-authorization-a-decline-of-transnational-administrative-acts). • De Witte Bruno, 1995, 'Interpreting the EC Treaty like a Constitution: the role of the European Court of Justice in comparative perspective', in Bakker R.C.L. et al. (eds), *Judicial control: comparative essays on judicial review*, Maklu, Antwerp, 133-152. • Franchini Claudio, 2004, 'European principles governing national administrative proceedings', *Law & Contemporary Problems*, LIVIII: 183-196. • Hirschman Albert, 1972, *Exit, Voice And Loyalty Responses to Decline in Firms, Organizations, and States*, Harvard University Press, Cambridge. • Hofmann Herwig C.H., Rowe Alexander H. and Türk Alexander H., 2011, *Administrative Law and Policy of the European Union*, Oxford University Press, Oxford. • Kadelbach Stephan, 2002, 'European Administrative Law and the Law of a Europeanized Administration', in Joerges Christian and Dehousse Renaud (eds), *Good Governance in Europe's Integrated Market*, Oxford University Press, Oxford, 167-207. • Keessen Andrea M., *European administrative decisions. How the EU regulates products on the internal market*, Europa Law Publishing, Amsterdam • Klamert Marcus, 2013, *The Principle of Loyalty in EU Law*, Oxford University Press, Oxford. • Lang J. Temple, 1986, 'Article 5 of the EEC Treaty: The Emergence of Constitutional Principles in the Case Law of the Court of Justice', *Fordham International Law Journal*, X(3): 503-537 • Lang J. Temple, 2003, 'Developments, Issues, and New Remedies – The Duties of National Authorities and Courts under Article 10 of the EC Treaty', *Fordham International Law Journal*, XXVII(6): 1904-1939. • Lang J. Temple, 2007, 'The Development by the Court of Justice of the Duties of Cooperation of National Authorities and Community Institutions Under Article 10 EC', *Fordham International Law Journal*, XXXI(5): 1483-1532. • Lenaerts Koen and Van Nuffel Piet, 2005, *Constitutional Law of the European Union*, Thomson/Sweet & Maxwell, London. • Pernice Ingolf, 1999, 'Multilevel Constitutionalism and the Treaty of Amsterdam: European Constitution-Making Revisited', *Common Market Law Review*, XXXVI: 703-750.

	• Prechal S., Widdershoven R.J.G.M. & Jans J.H., 'Introduction', 2015 in: J.H. Jans, S. Prechal & R.J.G.M. Widdershoven (eds.), *Europeanisation of Public Law*, 2nd edition, Groningen: Europa Law Publishing, 3-36. • Ruffert Mathias, 2011, 'European Composite Administration: The transnational administrative act', in Jansen Oswald and Schöndorf-Haubold B. (eds), *The European Composite Administration*, Intersentia, Cambridge, 277-306. • Schäfer Günther F., 2000, 'Linking Member States and European Administrations – The Role of Committees and Comitology', in Andenas Mads and Türk Alexander (eds), *Delegated Legislation and the Role of Committees in the EC*, Kluwer Law International, The Hague, 9-11. • Schütze Robert, 2009, *From Dual to Cooperative Federalism – The changing structure of European Law*, Oxford University Press, Oxford. • Schütze Robert, 2012, *European Constitutional Law*, Cambridge University Press, Cambridge. • Schwarze Jürgen, 2009, *Droit administratif européen*, 2nd ed., Bruylant, Bruxelles. • Verhoeven Maartje, 2010, 'The "Costanzo Obligation" and the Principle of National Institutional Autonomy: Supervision as a Bridge to Close the Gap?', *Review of European Administrative Law*, III(1): 23-64. • Verhoeven Maartje, 2011, *The Costanzo Obligation: The Obligations of National Administrative Authorities in the Case of Incompatibility Between National Law and European Law*, Intersentia, Amsterdam. • Vos Ellen, 2000 'Reforming the European Commission: What role to play for EU agencies?', *Common Market Law Review*, XXXVII: 1113-1134. • Weiler J.H.H., 1991, 'The Transformation of Europe', *The Yale Law Journal*, C(8): 2403-2483. • Widdershoven Rob, 2002, 'European Administrative Law', in Seerden René and Stroink F.A.M. (eds), *Administrative Law of the European Union, its Member States and the United States – A comparative analysis*, Intersentia, Antwerpen, 259-306 • Ziller Jacques, 2007, 'Introduction: les concepts d'administration directe, d'administration indirecte et de co-administration et les fondements du droit administrative', in Auby Jean-Bernard and Dutheil de la Rochère Jacqueline (eds), *Droit administratif européen*, Bruylant, Bruxelles, 235. • Zuleeg Manfred, 2011, 'The advantages of the European Constitution', in von Bogdandy Armin and Bast Jürgen (eds), *Principles of European Constitutional Law*, 2nd ed., Hart Publisher, Oxford, 763-786.
Case-law	Case Deutsche Milchkontor (205 to 215/82) Case Rewe (C-33/76) Case Fratelli Costanzo (103/88); Fiammiferi (C-198/01); Minister for Justice and Equality, Commissioner of An Garda Síochána v Workplace Relations Commission (C-378/17) Case SOMVAO (C-599/13)

	Case UPC Nederland (C-518/11) Case United Kingdom v. European Parliament, Council of the European Union (C-270/12) Cases Commission v France (C-263/88), Commission v Netherlands (96/81), Commission v Belgium (227-230/85 and C-423/00), Jiménez Melgar (C-438/99) Case Digibet (C-156/13) Case Campean (C-200/14) Case Steffensen (C-276/01) Cases Yoshikazu Iida (C-40/11), Ymeraga (C-87/12), Siragusa (C-206/13) Case Kühne & Heitz (C-453/00); and Case i-21 (C-392/04) Case Delena Wells (C-201/02) Case Henkel (C-218/01) Case Kingdom of Belgium v European Commission (C-16/16 P) Case Herbosch Kiere (C-2/05) and Alpenrind (C-527/16) Case Silvio Berlusconi and Fininvest (C-219/17) Case Onix Asigurari (C-559/15) Case Technische Universität München (C-269/90), Gerlach (C-44/06), Benallal (C-161/15) Case Commission v France (C-233/00) Case Oleificio Borelli (C-97/91) Case TWD Textilwerke Deggendorf (C-188/92) Case Greenpeace France (C-6/99) Case Star Storage (C-439/14 and C-488/14) Case Texdata (C 418/11) Case Berlioz Investment (C-682/15) Case Altun (C-359/16) Cases Ilmārs Rimšēvičs v Republic of Latvia (C-202/18) and European Central Bank v Republic of Latvia (C-238/18)
Course Prerequisites	*Basic knowledge of EU Law and the relations between the EU and its' Member States*
Evaluation	Full attendance and active participation during classes represent compulsory course requirements. The essay will be assessed on a pass/fail or distinction basis.
Language	English
Location	University of Lisbon School of Law

General note	**N.B.** Due to the fact that class attendance is mandatory, participants will have limited time to work on their assignment during the week. Therefore, we strongly advise students to start to prepare their essays before the start of the program. For any additional assistance with the preparation of the essay, students may contact the Academy Secretariat at cursosintensivos@fd.ulisboa.pt.

FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de unidade curricular

Curso de Mestrado em Direito e Prática Jurídica

Unidade curricular

Direito Comercial IV

Docente responsável e respetiva carga letiva na unidade curricular (preencher o nome completo)

João Manuel Cardão do Espírito Santo Noronha 40 TP

Outros docentes e respetivas cargas letivas na unidade curricular

NA

Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes)

Formação complementar em Direito Comercial

Conteúdos programáticos

LETRAS E LIVRANÇAS

PARTE I - INTRODUÇÃO

1. Uma introdução histórica aos documentos de pagamento e titulação e circulação de direitos.
2. A reconstrução dogmática do pandectismo germânico do direito cambiário; tradição francesa e tradição germânica.
3. O século XIX português: entre o CCom1833 e o CCom1888.
4. A Lei Uniforme Relativa a Letras e Livranças (Convenção de Genebra de 7 de junho de 1930).
5. A inserção da letra do âmbito do Direito Comercial
6. "Comunização" de institutos *geneticamente* comerciais?

PARTE II – LETRA

1. Teoria do documento e letra
2. Letra e negócio jurídico; os negócios jurídicos *ex cartulae* (enunciado geral)
3. Negócios cambiários em particular: o saque e o aval
4. Vencimento da obrigação titulada pela letra e responsabilidade pelo pagamento

PARTE III — LIVRANÇA

1. Livrança e negócio jurídico; os negócios jurídicos *ex cartulae* (enunciado geral)
2. Vencimento da obrigação titulada pela letra e responsabilidade pelo pagamento

FACULDADE DE DIREITO
Universidade de Lisboa

PARTE IV – UM SÉCULO DE JURISPRUDÊNCIA: LETRA E LIVRANÇA NO SÉCULO XX PORTUGUÊS

Análise das temáticas e deteção das linhas de decisão jurisprudencial portuguesa sobre letras e livranças.

Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular

O ensino assenta numa conjugação equilibrada entre a teoria a prática, baseando-se num programa detalhado, realizando-se um controlo individualizado dos resultados.

Metodologias de ensino (avaliação incluída)

O programa inclui um estudo em profundidade de núcleos temáticos do regime jurídico das letras e das livranças, que permite ao estudante obter a formação especializada nesta área do conhecimento jurídico

Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular

Ensino teórico-prático. É essencial a preparação prévia de cada aula, sendo para o efeito anunciadas antecipadamente as matérias a lecionar, bem como os textos a trabalhar e sobre os quais se espera a intervenção dos alunos. A avaliação assenta nos seguintes elementos: - Participação nas aulas (25%); - Trabalho escrito (25%); - Exame final escrito (50%).

Bibliografia principal

PORTUGUESA

- **Monografias**

ANTUNES, José A. Engrácia
— *Os títulos de crédito – Uma introdução*, Coimbra Editora: Coimbra, 2009
ASCENSÃO, J. de Oliveira
— *Direito comercial*, III (*Títulos de crédito*), Lisboa, Ed. do Autor, 1992
ASCENSÃO, J. de Oliveira/ VASCONCELOS, P. Pais de
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CUNHA, CAROLINA
— *Letras e livranças – Paradigmas atuais e recompreensão de um regime*, Coimbra: Almedina, 2012
— *Manual de letras e livranças*, Coimbra: Almedina, 2016 (reimp.)
ESPÍRITO SANTO, João
— *Direito Comercial Geral da OHADA e da Guiné-Bissau*, Lisboa: AAFDL, 2020 (no prelo)
FURTADO, J. Pinto
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MARTINS, A. de Soveral
— *Títulos de crédito e valores mobiliários*, Parte I, Vol. I, *Títulos de crédito e valores mobiliários*, Parte I, Vol. I, Coimbra: Almedina, 2008 (2.ª Reimp., 2014)
VASCONCELOS, P. Pais de
— A declaração cambiária como negócio jurídico unilateral, e a teoria de emissão", em *Scentia Iuridica*, XXXV (1986)
VASCONCELOS, P. Pais de /VASCONCELOS, Pedro Leitão Pais de
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ESTRANGEIRA

ASCARELLI, Tullio
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CHUAH, JASON
— "*Payment and payment instruments*", em —Commercial Law, FURMSTON, MICHAEL/CHUAH, JASON (org)., Harlow: Pearson, 2.ª ed., 2013
HUECK, A./CANARIS, C. W.
— *Recht der Wertpapiere*, 12.ª ed., Munique: Franz Vahlen, 1986 **(existe trad. castelhana, de ed. anterior, de Jesús Alfaro: Derecho de los títulos-valor, Barcelona: Ariel Derecho, 1988)**
LA ROSA, A. PAVONE
— *La cambiale*, 2.ª ed., Milão: Dott. A Giuffrè Editore, 1994
PIÉDELIÈVRE, STÉPHANE
— *Instruments de crédit et de paiement*, 10.ª ed., Paris: Dalloz, 2018

Curricular unit sheet

Course Masters in Law and Legal Practice

Curricular unit

Commercial Law IV

Responsible Academic staff and respective workload in the curricular unit (enter full name)

Other academic staff and respective workloads in the curricular unit

João Manuel Cardão do Espírito Santo Noronha 40 TP

Learning outcomes of the curricular unit

Additional Training in Commercial Law

Syllabus

BILLS OF EXCHEGE AND PROMISSORY NOTES
PART I - INTRODUCTION
1. An historical introduction to the payment documents and the documents that title and permit the circulation of rights.
2. The dogmatic reconstruction of the German pandectism of bill of exchange law; French tradition and German tradition.
3. The Portuguese 19th century: between the CCom1833 and the CCom1888.
4. The Uniform Act on Bills of Exchange and Promissory Notes (Geneva Convention of the 7th June 1930).
5. The insertion of the Act on Bill of Exchange on the Commercial Law domain
6. "Making common" genetically commercial institutes?
PART II - BILL OF EXCHEGE
1. Document theory and Bill of Exchange
2. Bill of Exchange and legal business (translation for *negócio jurídico*); legal businesses *ex cartulae* (general statement)
3. Bill of Exchange businesses in particular: issuance and guarantee
4. Maturity of the obligation under the bill and responsibility for payment
PART III – promissory note

1. Promissory note and legal business; legal affairs *ex cartulae* (general statement)
2. Maturity of the obligation under the bill and responsibility for payment
PART IV - A CENTURY OF JURISPRUDENCE: BIILL OF EXCHANGE AND PROMISSORY NOTE IN THE PORTUGUESE 20th CENTURY
Thematic analysis and detection of the lines of Portuguese jurisprudential decision on bills and promissory notes.

Demonstration of the syllabus coherence with the curricular unit's objectives.

The teaching is based on a balanced mix of theory and practice, based on a detailed program, performing an individualized control of the results.

Teaching methodologies (including evaluation)

The program includes in-depth study of the main core of bills of exchange/promissory notes, that allows students to obtain specialized training in this area of legal expertise.

Demonstration of the coherence between the teaching methodologies and the learning outcomes

Theoretical and practical teaching. It is essential to prepare each lesson on advance, and for the purpose announced in advance, as well as the texts and the work on which it is expected the involvement of students. The assessment is based on the following: - Class participation (25%); - Written work (25%); - Final exam (50%).

Main Bibliography

PORTUGUESE

- **Monographs**

ANTUNES, José A. Engrácia
— *Os títulos de crédito – Uma introdução*, Coimbra Editora: Coimbra, 2009
ASCENSÃO, J. de Oliveira
— *Direito comercial*, III (*Títulos de crédito*), Lisboa, Ed. do Autor, 1992
ASCENSÃO, J. de Oliveira/ VASCONCELOS, P. Pais de
— "Forma da livrança e da formalidade", em ROA, Ano 60 (2000), I (Jan.), 310
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— *Manual de letras e livranças*, Coimbra: Almedina, 2016 (reimp.)
ESPÍRITO SANTO, João
— *Direito Comercial Geral da OHADA e da Guiné-Bissau*, Lisboa: AAFDL, 2020 (no prelo)
FURTADO, J. Pinto
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MARTINS, A. de Soveral
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VASCONCELOS, P. Pais de
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VASCONCELOS, P. Pais de /VASCONCELOS, Pedro Leitão Pais de
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NON PORTUGUESE

ASCARELLI, Tullio
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CHUAH, JASON
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— *Recht der Wertpapiere*, 12.ª ed., Munique: Franz Vahlen, 1986 **(there is a Spanish translation from a previous edition, from Jesús Alfaro: Derecho de los títulos-valor, Barcelona: Ariel Derecho, 1988)**
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PIÉDELIÈVRE, STÉPHANE
— *Instruments de crédit et de paiement*, 10.ª ed., Paris: Dalloz, 2018

Assoc. Prof. dr. Dovile Gailiute-Janusone

dgailiute@mruni.eu

Experiences

ASSOC. PROF./LECTURER — 2007 - present
Mykolas Romeris University

Lectures, seminars/tutorials (subjects: International Protection of Human Rights; Public International Law), supervision of bachelor and master thesis, research

VICE-DEAN FOR INTERNATIONAL RELATIONS AND STUDIES — 2016 - present
Mykolas Romeris University

Coordination of students and staff mobility; coordination of joint/double degree programs; representation of the Law School in international legal networks, etc.

Education

PH.D. IN LAW — 2009 - 2013
Mykolas Romeris University

Thesis: "Right to Adequate Housing"

Fields of interest, languages

- Human Rights
- Right to private life
- Freedom of religion
- Socio-economic rights

English	◆ ◆ ◆ ◆
Russian	◆ ◆ ◆ ◆
Italian	◆ ◆ ◇ ◇
French	◆ ◇ ◇ ◇
German	◆ ◇ ◇ ◇

Achievements

12	20	30	14
PROJECTS	PUBLICATIONS	PRESENTATIONS	TEACHING YEARS

Hobbies

Right to Private and Family Life

Course objectives:

The course is aimed to disclose the content, main features and application of right to private and family life in the universal and regional human rights protection systems with the particular focus on the Europe region and the European Convention on Human Rights. The course is specifically designed to address the needs and interests of students of international studies, in particular, those engaged in the study of human rights protection.

Learning Outcomes:

On completion of the course the students will be able to:

- Compare the international human rights law system and regional human rights law systems;
- Evaluate the various mechanisms and procedures for the protection of the right to private and family life;
- Critically assess specific areas of right to private and family life with reference to relevant legal instruments and contemporary cases;
- Draft a legal document in the form of an application, reasoned opinion, declaration or resolution concerning right to private and family life.
- Acquire basic competency in legal writing and research.

Syllabus

1. **Introduction to the right to private life.**
   - Legal regulation (ECHR, EU law, UN instruments, national legislation)
   - Content
   - Limitation clause
   - State obligations
   - Test for the examination of the case on right to private life
   - Challenges and tendencies
2. **Various aspect of the right to private life**
   - Mental illness
   - Health care and treatment
   - Sexual orientation and sexual life
   - gender identity
   - Right to name
   - Right to image
   - And others
3. **Right to family life**
   - Notion of “family”
   - Family ties
   - Couples
   - Parents
   - Children

- Immigration and expulsion

4. **Right to respect for ones home**
    - Notion of “home”
    - Content
    - Forced evictions
    - Demolition of housing
    - Searches
    - Environmental issues
    - Right to respect for one home v. right to housing
5. **Right to respect for correspondence**

- concept of “correspondence”
- censure of mail of prisoners
- surveillance of telecommunications
- correspondence at work place

6. **Right to private life v. right to freedom of expression**

Literature

Roagna Ivana Protecting the right to respect for private and family life under the European Convention on Human Rights
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007ff56

Methods

Lectures and practical seminars

Claas Friedrich Germelmann was born in Berlin, Germany. He studied law at the Freie Universität Berlin from 1998 to 2003, specialising in European Union and public international law. After his first state examination, he took part in the LL.M. programme at the University of Cambridge being a member of Queens‘ College. From 2004 to 2006, he returned to Berlin for his professional training (*Referendariat*) at the Higher Regional Court of the *Land* of Berlin (*Kammergericht*). From 2003 to 2006, he was a research assistant and assistant lecturer at the Freie Universität Berlin. From 2006 to 2008, he did his doctorate at the Freie Universität Berlin under the supervision of Professor Dr. Helmut Lecheler and was awarded the Dr. iur. His PhD thesis deals with the principle of *res judicata* in European Union law based on a comparative study of the corresponding German, English and French principles.

In 2008, Claas Friedrich Germelmann took up the post of a research fellow and assistant professor at the University of Bayreuth with teaching responsibilities in European Union law, public international law and German constitutional law. From 2008 to 2012, he worked on his *Habilitation*, the German qualification for a teaching career in higher education, which was supervised by Professor Dr. Jörg Gundel. In 2012, Claas Friedrich Germelmann was awarded the *venia legendi* (formal authorisation to teach in university education) for German constitutional and administrative law, European law, public international law and comparative law. In his *Habilitation* thesis, he deals with German cultural law from a constitutional and administrative law perspective. From 2012 to 2014, he served as a substitute professor at different German universities.

In 2014, he was appointed full professor of public law and European law at the Leibniz Universität Hannover. Since 2014, he has also been the managing director of the Institute of International Law at the University of Hannover. Since 2017, he has been responsible for the international relations and the external exchange programmes of the Law Faculty, particularly for the LL.M. programme “European Legal Practise (LL.M. Joint Degree)”. He is also the representative of Hanover in the international ELPIS network.

Claas Friedrich Germelmann’s research interests lie in the fields of German constitutional law with questions of federalism and cultural law, in the area of European Union law with its relationship to the legal orders of the member states, as well as in public international law, specifically international trade and investment law. He furthermore specialises in German, European and international energy law. He is currently teaching European Union law, energy and regulatory law, international trade and investment law, and has published extensively in these fields.

European and International Energy Law

Intensive Course (November 2020) – Syllabus

I. Energy law and the transition of energy supply systems – the political and legal backgrounds

1. The international law on climate change and its relevance for energy law
2. Single market and environmental protection in the law of the European Union: Reconciling conflicts in EU energy law

II. International energy law: The current state of climate change law and its obligations for the international community

1. The UN Framework Convention on Climate Change
2. The Paris Agreement

III. EU energy law: A major single market project

1. The single market in energy: An EU target for more than 20 years
    a. Primary law: Market freedoms and state aid law
    b. Secondary legislation
2. The Treaty of Lisbon and the introduction of Art. 194 TFEU
3. The European Energy Union
    a. Political goals
    b. Legislative acts
4. Energy law and the European Green Deal: Towards a “climate-neutral” energy system?

IV. EU energy law and national energy supply: The reconstruction of the national energy law systems

1. The challenges: security of supply, environmental protection, single market, affordability
2. Main areas of conflict
    a. The general structures of energy supply in the Member States
    b. The integration of renewable energies and national support schemes
    c. Grid extension and sustainability
    d. Flexibility and IT-based solutions

V. Investments in energy supply systems in times of transition

1. The EU legal framework and the role of state aid law
2. International energy investment law: The Energy Charter Treaty
3. EU external relations in the field of energy law

VI. Conclusions

Reading

Blumann (dir.), Vers une politique européenne de l'énergie, 2012

Cameron, Heffron, Legal Aspects of EU Energy Regulation: The Consolidation of Energy Law Across Europe, 2016

Johnston, Block, EU Energy Law, 2012

Leal-Arcas, Wouters (eds.), Research Handbook on EU Energy Law and Policy, 2017

Roggenkamp, Redgwell, Rønne (eds.), Energy Law in Europe: National, EU and International Regulation, 2016

Talus, Introduction to EU Energy Law, 2016

Talus (ed.), Research Handbook on International Energy Law, 2014

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EU Public Procurement Law

(GENERAL APPROACH, REMARKS ON PROCUREMENT DURING THE COVID CRISIS, AND SOME NOTES ON PORTUGUESE LAW)

(Intensive Course)

Miguel Assis Raimundo
Assistant Professor, University of Lisbon Law School (FDUL)
Research Fellow, Lisbon Centre for Research in Public Law (CIDP-ICJP)
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Short summary and objectives:

Public procurement and, more broadly, public contracts, are both a fundamental piece of the economy, and a central area of contemporary Law, notably, EU Law.

From the point of the view of the State and public bodies in general, the promotion of competition and equal treatment between the players in the market is a priority, to address integrity concerns, fight corruption, contribute to sustainability and development goals, and obtain best value for the taxpayer's money.

The sector is also increasingly marked by a trend towards international and comparative perspectives, strengthening the importance of the exchange of knowledge between different experiences, which increases the interest of the course for foreign students.

Also, the Covid crisis has pointed out some specific concerns for procurement, but also some positive aspects, namely the trend towards cooperative and joint procurement, which should be addressed.

The course will also offer some points regarding Portuguese Law (which transposes EU Law).

Syllabus of the intensive course:

1. **Overview, scope and general principles of EU Public Procurement Law**, in light of the Treaties, Directives 2014/23, 2014/24 and 2014/25, and CJEU case law; some notes on its implementation in Portugal and other systems
2. **The Strategic Use of Public Procurement** as a Tool to achieve Sustainable Development Goals;
3. **Integrity Issues**: Prevention of Corruption and Conflicts of Interest in Public Procurement;
4. **Collusion and Anti-Competitive Behaviour** in Public Procurement;
5. **Challenges of *e-procurement***;
6. **Procurement during the Covid crisis**: emergency procurement, and beyond. The "Commission Guidance from the European Commission on using the public procurement framework in the emergency situation related to the COVID-19 crisis 2020/C 108 I/01";
7. Does the Covid crisis reveal the **need for reform of Public Procurement systems**?

Select references[1]:

Folliot-Lalliot, Laurence/Torricelli, Simone (Coords.), *Contrôles et contentieux des contrats publics/Oversight and Challenges of public contracts*, Bruxelles, 2018.

Eiró, Vera, "E-procurement: the Portuguese experience", *Public Procurement Law Review*, (1), 2016, pp. NA5-NA16 (available at westlaw.com, a legal database which students can access in the Library of the Law School).

European Commission, *Communication from the Commission – Guidance from the European Commission on using the public procurement framework in the emergency situation related to the COVID-19 crisis – 2020/C 108 I/01*, 1 April 2020, published in the *Official Journal of the European Union,* C 108I (available online at https://eur-

[1] This select bibliography is generally available in the Library of the Law School, or online in open access.

lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CI.2020.108.01.0001.01.ENG)

Racca, Gabriella M./Yukins, Christopher (Eds.), *Integrity and Efficiency in Sustainable Public Contracts,* Bruxelles: Bruylant, 2015.

Raimundo, Miguel Assis, "Good Contracting Authorities Can Predict the Future – A Note on *Finn Frogne*", *European Papers*, 2, (1), 2017, pp. 411 ss. (available in free access at ssrn.com or http://www.europeanpapers.eu/it/europeanforum/good-contracting-authorities-can-predict-future-note-finn-frogne-case).

Raimundo, Miguel Assis, ""Aiming at the market you want": a critical analysis of the duties on division into lots under Directive 2014/24/EU", *Public Procurement Law Review*, (4), 2018, pp. 167-187 (available at westlaw.com, a legal database which students can access in the Library of the Law School).

Raimundo, Miguel Assis, "Damages in Public Procurement Law: A Right or a Privilege? Some Thoughts After the Fosen-Linjen Saga", *European Procurement & Public Private Partnership Law Review*, 14, (4), 2019, pp. 255-261.

Sánchez-Graells, Albert, *Public Procurement and the EU competition rules*, 2.ª ed., Oxford-Portland, Oregon: Hart Publishing, 2015.

Schill, Stephan, "Transnational Legal Approaches to Administrative Law: Conceptualizing Public Contracts in Globalization", *Rivista Trimestrale di Diritto Pubblico*, 1, 2014, pp. 1 ss.

Sjafjell, Beate / Wiesbrock, Anna (Eds.), *Sustainable Public Procurement Under EU Law*, Cambridge: Cambridge University Press, 2016.

Several authors: texts included in numbers 4 and 5 (2020) of the *Public Procurement Law Review* dedicated to public procurement in the Covid-19 crisis (available at westlaw.com, a legal database which students can access in the Library of the Law School).

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Intensive course

EUROPEAN INTEGRATION
THROUGH PRELIMINARY RULING PROCEDURES
(course in English)

Prof.ª Doutora Ana Soares Pinto

LECTURE 1: Introduction and general overview. Judicial organization: the CJEU. Role of national courts – national procedural autonomy. (23/11/2020: 15h00-17h00)

LECTURE 2: Preliminary rulings on interpretation and validity. Power and duty to request a preliminary ruling. Effects. Sanctions. (24/11/2020: 15h00-17h00)

LECTURE 3: Fundamental principles established by preliminary rulings case-law. The principle of primacy of EU law. The principle of direct effect. (25/11/2020: 15h00-17h00)

LECTURE 4: The principle of direct effect (conclusion). The principle of interpreting national law in conformity with European Union law**.** (26/11/2020: 15h00-17h00)

LECTURE 5: The principle of the liability of Member States for breach of EU law. (27/11/2020: 15h00-17h00)

EVALUATION: paper on topics related to the course (deadline to be determined) Submission to the following email: anapinto@fd.ul.pt.

Lecture 1 (23/11/2020): Introduction and general overview. Judicial organization: the CJEU. Role of national courts – national procedural autonomy**.**

Articles 13 and 19 TEU

Articles 24 TEU and 275 TFEU

Article 276 TFEU and 4(2) TEU

Article 108 TFEU

Article 218 TFEU

Articles 251-281 TFEU

Article 299 TFEU

Article 340 TFEU

Statute of the Court of Justice of the European Union

Rules of procedure of the Court of Justice

Rules of procedure of the General Court

CJEU: https://curia.europa.eu/jcms/jcms/j_6/en/

CJEU (Case-law search form): http://curia.europa.eu/juris/recherche.jsf?language=en

CJ materials: https://curia.europa.eu/jcms/jcms/Jo2_7031/en/

GC materials: https://curia.europa.eu/jcms/jcms/Jo2_7040/en/

Press release 10/2020: Consequences of the United Kingdom's withdrawal from the European Union for the Court of Justice of the European Union https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-01/cp200010en.pdf

Lecture 2 (24/11/2020): Preliminary rulings on interpretation and validity. Power and duty to request a preliminary ruling. Effects. Sanctions.

Article 267 TFEU
Article 19(3, b) TEU
Article 256(3) TFEU
Articles 23 and 23-A SCJEU (Protocol 3)
Articles 93-114 RPCJ (Rules of procedure of the Court of Justice)

Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings (www.curia.eu)
Factsheet: Urgent preliminary ruling procedure and expedited procedure 31.10.2019 (https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-10/tra-doc-en-div-c-0000-2019-201906086-05_00.pdf)

Case-law:
Judgment of 26/03/2020, *Miasto Łowicz*, joined cases C-558/18 and C-563/18
Judgment of 11/12/2019, *Calin*, case C-676/17
Judgment of 13/12/2018, *Torsten Hein*, case C-385/17
Judgment of 11/12/2018, Weiss and others, case C-493/17
Judgment of 20/09/2018, *Fremoluc*, case C-343/17
Judgment of 25/07/2018, *Georgsmarienhütte*, case C-135/16
Judgment of 27/02/2018, *Western Sahara Campaign*, case C-266/16
Judgment of 28/03/2017, *Rosneft*, case C-72/15
Judgment of 14/03/2017 A e o., case C-158/14
Judgment of 15/11/2016, *Ullens de Schooten*, case C-268/15
Judgment of 28/07/2016, *Association France Nature Environnement*, case C-379/15
Judgment of 5/07/2016, *Ognyanov*, case C-614/14
Judgment of 5/04/2016, *PFE*, case C-689/13
Judgment of 9/09/2015, *Ferreira da Silva e Brito e o. contra Portugal*, case C-160/14
Judgment of 4/06/2015, Kernkraftwerke Lippe-Sem, case C-5/14
Judgment of 11/09/2014, *A. B.*, case C-112/13.
Order of 26/06/2014, *Sindicato Nacional dos Profissionais de Seguros*, case C-264/12.
Judgment of 12/06/2014, *Ascendi*, case C-377/13

Order of 6/05/2014, *G.*, case C-181/14

Judgment of 8/04/2014, *Digital Rights Ireland*, joined cases C-293/12 and C-594/12.

Judgment of 18/07/2013, *Consiglio nazionale dei geologi*, case C-136/12.

Order of 7/03/2013, *Sindicato dos Bancários do Norte*, case C-128/12.

Judgment of 18/10/2012, *Punch Graphix Prepress Belgium*, case C-371/11.

Judgment of 22 de dezembro de 2008, *Société Régie Networks*, case C-333/07.

Judgment of 15/09/2005, *Intermodal*, case C-495/03.

Judgment of 9/09/2004, *Carbonati Apuani*, processo C-72/03

Judgment of 14/12/1995, *Van Schijndel*, joined cases C-430/93 and C-431/93.

Judgment of 14/12/1995, *Peterbroeck*, case C-312/93

judgment of 9/03/1994, *TWD Textilwerke Deggendorf*, C-188/92

Judgment of 26/01/1993, *Telesimarsicabruzzo*, joined cases C-320/90 - C-322/90.

Judgment of 22/10/1987, *Foto-Frost*, case 314/85.

Judgment of 6/10/1982, *CILFIT*, case 283/81.

Judgment of 16/01/1974, *Rheinmülen-Düsseldorf*, case 166/73.

Judgment of 27/03/1963, *Da Costa en Schaake, Meijer e Hoechst-Holland*, joined cases 28/62 - 30/62.

Lecture 3 (25/11/2020): Fundamental principles established by preliminary rulings case-law. The principle of primacy of EU law. The principle of direct effect

Case-law:

Principle of primacy

Judgment of 2/04/2020, *CRPNPAC*, joined Cases C-370/17 and C-37/18

Judgment of 19/11/2019, *A.K.* (Indépendance de la chambre disciplinaire de la Cour suprême), case C-585/18

Judgment of 29/07/2019, *Spiegel Online*, case C-516/17

Judgment of 29/07/2019, *Pelham e o.*, case C-476/17

Judgment of 29/07/2019, *Funke Medien*, case C-469/17

Judgment of 29/07/2019, *Inter-Environnement Wallonnie*, case C-411/17

Judgment of 24/06/2019, Popławski, case C- 573/17

Judgment of 4/12/2018, *The Minister for Justice and Equality*, case C-378/17

Judgment of 20/12/2017, *Global Starnet*, case C-322/16

Judgment of 5/04/2016, *Aranyosi*, joined cases C-404/15 and C-659/15 PPU

Judgment of 8/09/2015, *Taricco*, case C-105/14

Judgment of 30/05/2013, *F*, case C- 168/13 PPU

Judgment of 26/02/2013, *Melloni*, case C-399/11

Judgment of 15/01/2013, Križan, case C-416/10

Judgment of 8/09/2010, *Winner Wetten*, case C-409/06

Judgment of 18/07/2007, *Lucchini*, case C-119/05

Judgment of 11/01/2000, *Kreil*, case C-285/98

Judgment of 9/03/1978, *Simmenthal*, case 106/77

Judgment of 15/07/1964, *Costa contra E.N.E.L.*, case 6-64

Principle of direct effect:

Judgment of 3/03/2020, *Tesco-Global Áruházak*, case C-323/18

Judgment of 22/01/2020, *Ursa Major*, case C-814/18

Judgment of 19/12/2019, *Pensions-Sicherungs-Verein*, case C-168/18

Judgment of 7/10/2019, *Safeway*, case C-171/18

Judgment of 24/06/2019, *Popławski*, case C-573/17

Judgment of 27/03/2019, *Pawlak*, case C-545/17

Judgment of 21/11/2018, *Ayubi*, case C-713/17

Judgment of 6/11/2018, *Max-Planck*, case C-684/16

Judgment of 24/10/2018, *X C*, case C-234/17

Judgment of 4/10/2018, *Dooel Uvoz-Izvoz Skopje Link Logistik*, case C-384/17

Judgment of 4/10/2018, *Kantarev*, case C-571/16

Judgment of 6/09/2018, *Grenville Hampshire*, case C-17/17

Judgment of 7/08/2018, *Smith*, case C-122/17

Judgment of 25/07/2018, *Alheto*, case C-585/16

Judgment of 20/03/2018, *Garlsson Real Estate*, C-537/16

Judgment of 15/03/2017, *Al Chodor*, case C-528/15

Judgment of 15/02/2017, *British Film Institute*, case C-592/15

Judgment of 24/11/2016, *Secil*, case C-464/14

Judgment of 7/07/2016, *Ambisig*, case C-46/15

Judgment of 26/03/2015, *Fenoll*, case C-316/13

Judgment of 12/12/2013, *Portgás*, case C-425/12

Judgment of 5/09/2012, *Rahman*, case C-83/11

Judgment of 24/01/2012, *Dominguez*, processo C-282/10

Judgment of 14/04/2011, *Mensch und Natur*, case C-327/09

Judgment of 8/03/2011, *Lesoochranárske zoskupenie*, case C-240/09

Judgment of 7/06/2007, *Carp*, case C-80/06

Judgment of 12/04/2005, *Simutenkov*, case C-265/03

Judgment of 7/01/2004, *Wells*, case C-201/02

Judgment of 18 /12/1997, *Inter-Environnement Wallonie*, case C-129/96

Judgment of 4/12/1974, *van Duyn*, case 41-74

Judgment of 6/10/1970, *Franz Grad*, case 9/70

Judgment of 5/02/1963, *Van Gend & Loos*, case 26-62

Lecture 4 (26/11/2020): The principle of interpreting national law in conformity with European Union law

Case-law:

Judgment of 18/12/2019, *IT Development*, case C-666/18

Judgment of 19/11/2019, *A.K.* (Indépendance de la chambre disciplinaire de la Cour suprême), case C-585/18

Judgment of 24/06/2019, *Popławski*, case C- 573/17

Judgment of 27/03/2019, *Pawlak*, case C-545/17

Judgment of 12/02/2019, *TC*, case C-492/18 PPU

Judgment of 13/12/2018, *Torsten Hein*, case C-385/17

Judgment of 6/11/2018, *Max-Planck*, case C-684/16

Judgment of 17/10/2018, *Volkmar Klohn*, case C-167/

Judgment of 7/08/2018, *Smith*, case C-122/17

Judgment of 15/03/2018, *North East Pylon Pressure Campaign*, case C-470/16

Judgment of 10/08/2017, *Tupikas*, case C-270/17 PPU

Judgment of 29/06/2017, *Popławski*, case C-579/15

Judgment of 8/11/2016, *Ognyanov*, case C-554/14

Judgment of 19/04/2016, *DI*, case C-441/14

Judgment of 26/03/2015, *Fenoll*, case C-316/13

Judgment of 15/01/2014, *Association de médiation sociale*, case C-176/12

Judgment of 10/10/2013, Spedition Welter, case C-306/12

Judgment of 5/09/2012, *Lopes da Silva Jorge*, case C-42/11

Judgment of 24/05/2012, *Amia*, case C-97/11

Judgment of 24/01/2012, *Dominguez*, case C-282/10

Judgment of 19/01/2010, *Kücükdeveci*, case C-555/07

Judgment of 23/04/2009, *Angelidaki e o.*, joined cases C-378/07 and C-380/07

Judgment of 4/07/2006, *Adeneler*, case C-212/04

Judgment of 22/11/2005, *Mangold*, case C-144/04

Judgment of 16/06/2005, *Pupino*, case C-105/03

Judgment of 3/05/2005, *Berlusconi e o.*, joined cases C-387/02, C-391/02 and C-403/02

Judgment of 5/10/2004, *Pfeiffer e o.*, joined cases C-397/01 and C-403/01

Judgment of 13/11/1990, *Marleasing*, case 106/89

Judgment of 10/04/1984, *von Colson e Kamann*, case 14/83

Lecture 5 (27/11/2020): The principle of the liability of Member States for breach of EU law

Case-law:

Judgment of 29/07/2019, *Hochtief*, case C-620/17

Judgment of 4/10/2018, *Kantarev*, case C-571/16

Judgment of 28/07/2016, *Tomášová*, case C-168/15

Judgment of 9/09/2015, *Ferreira da Silva e Brito*, case C-160/14

Judgment of 14/03/2013, *Leth*, case C-420/11

Judgment of 25/11/2010, *Fuß*, case C-429/09

Judgment of 26/01/2010, *Trasportes Urbanos*, case C-118/08

Judgment of 24/03/2009, *Danske Slagterier*, case C-445/06

Judgment of 13/06/2006, *Traghetti*, case C-173/03

Judgment of 30/09/2003, *Köbler*, case C-224/01

Judgment of 4/07/2000, *Haim*, case C-424/97

Judgment of 10/07/1997, *Bonifaci*, joined cases C-94/95 and 95/95

Judgment of 8/10/1996, *Dillenkofer e o*., joined cases C-178/94, C-179/94, C-188/94, C-189/94 and C-190/94

Judgment of 23705/1996, *Hedley Lomas*, case C-5/94

Judgment of 26/03/1996, *British Telecommunications*, case C-392/93

Judgment of 5/03/1996, *Brasserie du Pêcheur*, joined cases C-46/93 and C-48/93

Judgment of 19/11/1991, *Francovich e o*., joined cases C-6/90 and C-9/90

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LENAERTS, Koen / MASELIS, Ignace / GUTMAN, Katheleen – *EU procedural law*, Oxford University Press, 2014.

PEERS, Steve / COSTA, M. – «Judicial review of EU acts after the Treaty of Lisbon», *European Constitutional Law Review*, vol. 8(1), 2012, pp. 82-104.

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VAN RAEPENBUSCH, Sean – *Le contrôle juridictionnel dans l'Union européenne*, 3 ed., Bruylant, 2018.

WATHELET, Melchior – *Contentieux européen*, 2 ed., Collection de la Faculté de Droit de l'Université de Liège, Larcier, 2014.

PORTUGUESE:

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AAVV – *Enciclopédia da União Europeia*. Petrony. 2018.

CAMPOS, João Mota de / PEREIRA, António Pinto / Campos, J. L. Mota de – *Direito Processual da União Europeia*, 2.ª ed., Fundação Gulbenkian, 2014.

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CANOTILHO, Mariana / FROUFE, Pedro / SILVEIRA, Alessandra – *Direito da União Europeia*, Almedina, 2016.

COUTINHO, Francisco Pereira – *Os tribunais nacionais na ordem jurídica da União Europeia. O caso português*, Coimbra editora, 2013.

DUARTE, Maria Luísa – *Contencioso Comunitário. Programa, conteúdos e métodos do ensino teórico e prático*, Principia, 2003.
DUARTE, Maria Luísa – *União Europeia - estática e dinâmica da ordem jurídica eurocomunitária*, vol. I. Reimpressão. Coimbra: Almedina, 2017
DUARTE, Maria Luísa – *Direito do Contencioso da União Europeia*, AAFDL editora, 2017.
HENRIQUES, Miguel Gorjão – *Direito da União Europeia - História, Direito, Cidadania, Mercado Interno e Concorrência*. 8.ª edição. Coimbra: Almedina, 2017.
LOPES PORTO, Manuel / ANASTÁCIO, Gonçalo (coord.) – *Tratado de Lisboa anotado e comentado*, Almedina, 2012.
MACHADO, Jónatas – *Direito da União Europeia*. 3.ª edição. Coimbra: Coimbra Editora, 2018.
MARTINS, Ana Maria Guerra – *Manual de Direito da União Europeia*, 2.ª ed., Almedina, reimpressão 2019.
MARTINS, Patrícia Fragoso – *Administrações Públicas Nacionais e Direito da União Europeia - Questões e Jurisprudências Essenciais*. Lisboa: Universidade Católica Editora, 2018.
MARTINS, Patrícia Fragoso – *Direito Constitucional da União europeia: jurisprudência essencial*, Universidade Católica editora, 2017.
MESQUITA, Maria José Rangel de – *Introdução ao Contencioso da União Europeia. Lições*, 3.ª ed., Almedina, 2019.
PAIS, Sofia (coord.) – *Princípios fundamentais de direito da União Europeia - uma abordagem jurisprudencial*, reimpressão da 3.ª edição de 2014, Coimbra: Almedina, 2018.
PIÇARRA, Nuno – «Sobre a repartição da competência no Tribunal de Justiça da União Europeia», *Revista do Ministério Público*, vol. I, n.º 33, 2013, pp. 11-74.
QUADROS, Fausto de – *Direito da União Europeia*, 3.ª ed., Almedina, 2013.
QUADROS, Fausto de / MARTINS, Ana Maria Guerra – *Contencioso da União Europeia*, 2.ª edição (reimpr.), Almedina, 2009.
SILVEIRA, Alessandra – *Princípios de direito da União Europeia. Doutrina e jurisprudência. 2.ª edição.* Lisboa: Quid Juris, 2011.
SILVEIRA, Alessandra / CANOTILHO, Mariana (coord.) – *Carta dos direitos fundamentais da União Europeia comentada*. Coimbra: Almedina, 2013.

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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 UNIVERSITY NEW ORLEANS COLLEGE OF LAW
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

ETHICS REVIEW BOARD OF THE CITY OF NEW ORLEANS
Executive Administrator and General Counsel, 2018-present
General Counsel, 2015-2018

LOUISIANA ASSOCIATION OF DEFENSE COUNSEL
Acting Executive Director, 2015-2016
Associate Executive Director, 2009-2015, 2016-present

TULANE LAW SCHOOL
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 FOR THE EASTERN DISTRICT OF LOUISIANA
Law Clerk to Honorable Peter H. Beer, 1988-89

PUBLICATIONS

DANE S. CIOLINO, LOUISIANA LEGAL ETHICS: STANDARDS AND COMMENTARY (2019)

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://lalegalethics.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; Professional Seminar in Practical Lawyering; Professional Seminar in Storytelling; and, Introduction to United States Constitutional Law.

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

Member, American Law Institute, 2003-present

Subject Matter Expert, National Conference of Bar Examiners, Multi-State Professional Responsibility Examination, 2018-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

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[1]

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

[1]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 Kajun 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. Agricultural & Mechanical Coll. v. Gerson*, No. 2011-2614(I), Civil District Court for the Parish of Orleans, State of Louisiana

12. *Bd. of Supervisors of La. State Univ. Agricultural & Mechanical Coll. v. Southern Electronics Supply Co., Inc.*, No. 2011-1631(L), Civil District Court for the Parish of Orleans, State of Louisiana

13. *Bedford v. Magee*, No. 2000-14123, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

14. *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

15. *Bertucci v. Lafayette Ins. Co.*, No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana

16. *Beevers and Beevers, LLP v. Sirgo*, No. 624-259 "B," Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

17. *Billeaudeau v. Opelousas Gen'l Hosp.*, No. 13-C-0097-C, Twenty-Seventh Judicial District Court for the Parish of St. Landry, State of Louisiana

18. *Bilyeu v. Johanson Berenson, LLP*, Civil Action No. 1:08CV2006, United States District Court for the Western District of Louisiana, Alexandria Division

19. *Boudoin v. St. John the Baptist Parish School Bd.*, No. 2004-08242, Office of Workers' Compensation, State of Louisiana

20. *Bowes v. Clean Scene Servs., L.L.C.*, No. 661-147, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

21. *Bruszewski v. Motley Rice, LLC*, Civ. Action No. 5:12-cv-00046-JMH, United States District Court for the Eastern District of Kentucky, Lexington Division

22. *Cameron Int'l Corp. v. Liberty Ins. Underwriters, Inc.*, 2:12-cv-00211 (E.D. La. filed Jan. 30, 2012)

23. *Campbell v. City of New Orleans*, No. 98-18633, Civil District Court for the Parish of Orleans, State of Louisiana

24. *Caro Properties A., L.L.C. v. Person*, No. 09-13059 (J-5), Civil District Court for the Parish of Orleans, State of Louisiana

25. *CEF Funding, L.L.C. v. Sher Garner Cahill Richter Klein & Hilbert, L.L.C.*, No. 09-6623 (D-4), United States District Court for the Eastern District of Louisiana

26. *Chalmette Payment Processing, L.L.C. v. Munson*, Civ. No. 03-1060, United States District Court for the Eastern District of Louisiana

27. *Chan's, Inc., d/b/a Mikimoto v. Henderson*, No. 2015-6555 (I-14), Civil District Court for the Parish of Orleans, State of Louisiana

28. *Chevron U.S.A., Inc. v. State of Louisiana, Louisiana State Mineral Bd. and Louisiana Dept. of Natural Resources*, No. 93,658, Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana

29. *Childress v. Childress*, No. 488-388, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

30. *Conwill v. Greenberg Traurig, L.L.P.*, Civ. Action No. 11-938 (KDE), United States District Court for the Eastern District of Louisiana

31. *Crinel v. Roby*, No. 2015-5698 (F-7), Civil District Court for the Parish of Orleans, State of Louisiana

32. *Croft v. Liberty Mut. Ins. Co.*, Docket No. 581732, 19th Judicial District Court for the Parish of East Baton Rouge

33. *Crooks v. State of Louisiana, Through the Louisiana Department of Natural Resources*, No. 224,262, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

34. *Dan S. Collins, CPL & Associates v. Godchaux*, No. 84618, Fifteenth Judicial District Court for the Parish of Vermillion, State of Louisiana

35. *Dean v. St. Mary Emergency Group, LLC*, No. C-2015-5856-F, Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana

36. *Dejean v. Koch*, No. C20093931, Superior Court of the State of Arizona, County of Pima, State of Arizona

37. *Deltide Fishing and Rental Tools, Inc. v. Keaty*, No. 680,838, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

38. *Denison Supply Group, LLC v. Michel*, No. 16-1971, Civil District Court for the Parish of Orleans, State of Louisiana

39. *Domingue v. Salomon Smith Barney, Inc. & Coughlin*, No. 01-03076, NASD Dispute Resolution Arbitration, New Orleans, Louisiana

40. *Donnell v. Henderson, Reilly, Boudreaux & Schoonenberg, APLC*, No. 178902, Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana

41. *Donovan Marine, Inc. v. Travelers Indemnity Co. of Illinois*, Civ. Action No. 09-4374 (S-3), United States District Court for the Eastern District of Louisiana, New Orleans, Louisiana

42. *Dougherty v. Haag*, No. 05-06993, Superior Court for the County of Orange, State of California

43. *Doyle v. ICNA*, Civil District Court for the Parish of Orleans, State of Louisiana

44. *Dunahoe v. Rogers*, No. 85704(A), Tenth Judicial District Court for the Parish of Natchitoches, State of Louisiana

45. *Dysart & Tabary LLP v. Finckbeiner*, No. 15-0597 "A," Thirty-Fourth Judicial District Court for the Parish of St. Bernard, State of Louisiana

46. *East Jefferson General Hospital v. Stein*, No. A-081709-773, AHLA Arbitration Service, Parish of Jefferson, State of Louisiana

47. *Edmonds v. Williamson*, No. 2002-CV-42-R, Circuit Court of Kemper County, State of Mississippi

48. *Felham Enterprises (Cayman) Ltd. v. Certain Underwriters at Lloyd's, London Companies, Zurich American Ins. Co., Marine Office of Am. Corp. & Trinity Yachts, Inc.*, No. 02-3588, United States District Court for the Eastern District of Louisiana

49. *Foley & Lardner, LLP v. Kenneth G. Daniels, LLC*, Adv. No. 05-01003, United States Bankruptcy Court for the Middle District of Louisiana

50. *Forbes v. St. Martin*, Civ. Action No. C2401 01 1745(2), Chancery Court, First Judicial District Court, Harrison County, Mississippi

51. *Forbis v. Int'l Health Care Properties, X, Ltd.*, 97-CI-03198, Jefferson Circuit Court, State of Kentucky

52. *Franklin v. Regions Bank*, Civ. Action No. 5:16-CV-01152, United States District Court for the Western District of Louisiana

53. *Furie Petroleum Co., L.L.C. v. Tower Hill Energy Co., L.L.C.*, No. 09-927, United States District Court for the Western District of Louisiana, Shreveport Division

54. *Gaspard v. Provensal*, No. 2012-11939, Civil District Court for the Parish of Orleans, State of Louisiana

55. *Gauthier, Houghtaling & Williams L.L.P. v. Safeguard Storage Properties LLC*, Civ. Action No. 08-0627 (H), Civil District Court for the Parish of Orleans, State of Louisiana

56. *GE Oil & Gas, Inc. v. Turbine Generation Servs., LLC*, No. 652296/2015, Supreme Court of the State of New York, County of New York, State of New York

57. *Gill v. Becnel*, No. G2001-1199 R/1, Chancery Court for the First Judicial District, Hinds County, State of Mississippi

58. *Glynn v. Sylvester*, No. 228080, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

59. *Greenspoon Marder, P.A. v. Andry Law Firm, LLC*, Civ. Action No. 2:13-cv-05509-MLCF-JCW, Section F, United States District Court for the Eastern District of Louisiana

60. *Gulf Production Co., Inc. v. Hoover Oil Field Supply, Inc.*, No. 08-5016, United States District Court for the Eastern District of Louisiana

61. *Gulfport Ob-Gyn, P.A. vs. Dukes, Dukes, Keating & Faneca, P.A.*, Civ. Action No. A2401-16-193, Circuit Court of Harrison County, First Judicial District, State of Mississippi

62. *Harry Bourg Corp. vs. Exxon Mobil Corp.,* No. 140,749 ("E"), Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana

63. *Haynes v. Williamson*, No. 3:05cv186-HTW-JCS, United States District Court for the Southern District of Mississippi, Jackson Division

64. *Hazlett v. Wilson*, No. 2010-17707, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

65. *Hebert v. Avery*, No. 2001-16561, Civil District Court for the Parish of Orleans, State of Louisiana

66. *Hodges v. Reasonover*, No. 2011-3391(N), Civil District Court for the Parish of Orleans, State of Louisiana

67. *Hotel Investors, LLC v. State of Louisiana, Department of Transportation and Development*, No. 704-195 "M", Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

68. *Humphrey v. L.C. Hearne*, No. 600,108 (C), First Judicial District Court for the Parish of Caddo, State of Louisiana

69. *Hunter & Blazier v. Logan*, No. 2007-1873, Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana

70. *Hydroflame Production, L.L.C. v. Hydroflame Technologies, L.L.C.,* No. 2011-3095(K), Civil District Court, Parish of Orleans, State of Louisiana

71. *In re American International Refinery, Inc.*, No. 04-21331, United States Bankruptcy Court, Western District of Louisiana, Lake Charles Division

72. *In re E.H. Mitchell & Co., LLC*, Civ. Action No. 14-959 (H-5), United States District Court for the Eastern District of Louisiana

73. *In re LMCHH PCP, LLC*, No. 17-10353-JAB ("B"), United States Bankruptcy Court for the Eastern District of Louisiana

74. *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL No. 2179, United States District Court for the Eastern District of Louisiana

75. *In re The Matter of Taira Lynn Limited No. 7, LLC, as Owner of the M/V Ricky J. Leboeuf*, Civ. Action No. 2:16-cv-0367, United States District Court for the Eastern District of Louisiana

76. *In re Thomas J. Hogan, Jr.*, No. 16-DB-055, Louisiana Attorney Disciplinary Board, State of Louisiana

77. *In re Impeachment of United States District Judge G. Thomas Porteous, Jr.*, The Senate of the United States (no docket number)

78. *In re Oestreicher*, No. 12-DB-083, Louisiana Attorney Disciplinary Board, State of Louisiana

79. *In re Petition to Accord Immigrant Classification to Timothy Gray Cameron, Esq., as an Alien of Extraordinary Ability*, United States Department of Homeland Security, United States Citizenship and Immigration Services

80. *In re Confidential Respondents*, 04-DB-005, Louisiana Attorney Disciplinary Board

81. *In re Succession of Marion Roberts*, No. 96-2904(F), Civil District Court for the Parish of Orleans, State of Louisiana

82. *In re Zyprexa Products Liability Litigation*, MDL No. 1596, United States District Court for the Eastern District of New York

83. *Jones v. Lagarde*, No. 2016-11075, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

84. *La Casa Castro, S.A. de C.V. v. Greenberg Traurig, P.A., Roberto Martinez and Pedro J. Martinez-Fraga*, Civ. Action No. 09-6663(F-2), United States District Court for the Eastern District of Louisiana

85. *Landry v. Pediatric Services of America, Inc*., No. 2016-2251 "G", Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana

86. *Lentz v. Schulze*, No. 2:16-CV-07299, United District Court for the Eastern District of Louisiana

87. *Leon v. Wilson*, No. 96-14608(F), Civil District Court for the Parish of Orleans, State of Louisiana

88. *Liberty Mutual Ins. Co. v. Jotun Paints, Inc. & Jotun, Inc.*, Civ. Action No. 07-3114, United States District Court for the Eastern District of Louisiana

89. *Logan v. Hit or Miss, L.L.C.*, Civil Action No. 6:07-CV-1116 LO, United District Court for the Western District of Louisiana

90. *Louisiana Crisis Assistance Ctr. v. Marzano-Lesnevich*, Civ. Action No. 11-2102-SSV-SS, United States District Court for the Eastern District of Louisiana

91. *Louisiana State Bar Association v. Carr and Associates, Inc.*, No. 2006-14440, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

92. *Magnificent Eight, LLC v. First NBC Bank, Inc.*, Civ. Action No. 13-5713 c/w 13-5714, United States District Court for the Eastern District of Louisiana

93. *Marshall v. Marshall (In re Peroxisome Trust)*, No. 2015-4582, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

94. *Mascorro v. Schulz*, No. 2014-12140, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

95. *Maxim v. Progressive Security Ins. Co.*, No. 229-677-G, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

96. *Mire v. American Multi-Cinema, Inc.*, Civ. Action No. 14-cv-02582-MVL-DEK, United States District Court for the Eastern District of Louisiana

97. *Molaison v. Lukinovich*, No. 623-026 (C), Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

98. *Montgomery v. St. Tammany Parish Gov't*, No. 2016-11530(J), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

99. *NASDI, LLC v. Bertucci Contracting Co., LLC*., No. 719944(A), Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

100. *Nolaluna, LLC v. Crosby*, No. 2017-04216(E), Civil District Court for the Parish of Orleans, State of Louisiana

101. *O'Connell v. Wyatt, Tarrant & Combs, LLP,* No. 12-CI-000863, Jefferson Circuit Court, State of Kentucky

102. *Ohmer v. Farm Bureau Ins. Co.*, No. 113555 "D", Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana

103. *Oliver v. Orleans Parish School Board,* No. 2005-12244 (N), Civil District Court, Parish of Orleans, State of Louisiana

104. *Oreck Direct, LLC v. Dyson, Inc.*, Civ. Action No. 07-2744, United District Court for the Eastern District of Louisiana

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114. *Reuther v. Smith*, No. 2001-18124, Civil District Court for the Parish of Orleans, State of Louisiana

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116. *Robichaux v. Dow Chemical Co.*, No. 96-8461, Eighteenth Judicial District Court for the Parish of Iberville, State of Louisiana

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131. *Stanley v. Trinchard*, Civ. No. 02-1235, United States District Court for the Eastern District of Louisiana

132. *State of Louisiana v. Taryn Blume*, No. 522905, Criminal District Court for the Parish of Orleans, State of Louisiana

133. *State of Louisiana v. Miqueghele Brown*, No. 533046, Criminal District Court for the Parish of Orleans, State of Louisiana

134. *State of Louisiana ex rel. Dorsey v. Vannoy*, No. 251-406, First Judicial District Court for the Parish of Caddo, State of Louisiana

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142. *State of Louisiana v. Terryance Russel*, No. 375-503, Criminal District Court for the Parish of Orleans, State of Louisiana

143. *State of Louisiana v. Robert Wilkins*, No. 04-19337, 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana

144. *St. Blanc v. Stabile*, No. 67,871, Twenty-Ninth Judicial District Court for the Parish of St. Charles, Div. E, State of Louisiana

145. *Sturlese v. J.B. Jones, Jr.*, No. 10-16390, Thirty-Eighth Judicial District Court, Parish of Cameron, State of Louisiana

146. *Succession of Marguerite Nell Riggs Griffin*, No. 646-584, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

147. *Tapp v. Leonard L. Levenson & Associates*, No. 2009-01787, Division D, Civil District Court for the Parish of Orleans, State of Louisiana

148. *Temple v. Crescent City Gates Fund, L.P.*, No. 09-9508 (H-12), Civil District Court for the Parish of Orleans, State of Louisiana

149. *Territa v. Oliver*, No. 2:11-cv-01830, United States District Court for the Eastern District of Louisiana

150. *Tessier v. Moffatt*, No. 98-CV-00116, United States District Court for the Eastern District of Louisiana

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156. *United States ex rel. William St. John LaCorte v. Wyeth Pharmaceuticals, Inc.*, No. 06-CV-11724-DPW, United States District Court for the District of Massachusetts

157. *Usner v. Bagert*, No. 10-5479 (K-5), Civil District Court for the Parish of Orleans, State of Louisiana

158. *Usner v. Carol A. Newman, APLC*, No. 09-08223, Civil District Court for the Parish of Orleans, State of Louisiana

159. *Verret v. State Farm Fire and Casualty Co.*, Civ. Action No. 2:13-cv-5596-LMAJCW, United States District Court for the Eastern District of Louisiana

160. *Waggoner v. Williamson*, No. 03-KV-0151-J, Circuit Court of Adams County, State of Mississippi

161. *Walker v. AMID/Metro Partnership, LLC*, No. 2007-14794, Civil District Court for the Parish of Orleans, State of Louisiana

162. *Walker v. Harris*, No. 53694, Div. 22, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

163. *Washington v. Williamson*, No. 251-05-112 CIV, Circuit Court of Hinds County, State of Mississippi

164. *Waste Management of Louisiana, L.L.C. v. Penn-America Insurance Co.,* No. 2006-2452, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

165. *Wicker v. Heinrich*, No. 2010-3647, Civil District Court for the Parish of Orleans, State of Louisiana

166. *Williams v. The Administrators of the Tulane Educational Fund*, Civil Action No. 99-20650 c/w 06-1915, Civil District Court for the Parish of Orleans, State of Louisiana

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169. *Wylie Corp. v. Baby Oil, Inc.*, No. 0169735 C, Thirty-Second Judicial District Court for the Parish of Terrebonne, State of Louisiana

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171. *Zaunbrecher v. Garrity*, No. C-20130168 C, Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana

OTHER

Personal

Age 55

Married to Wendy Dehan Ciolino

Children: Hale, Price & Camille

Bar Admissions

Supreme Court of the United States
State of Louisiana
State of New York
United States Court of Appeals for the Fifth Circuit Court
United States District Court for the Eastern District of Louisiana (New Orleans)
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: Friday, June 7, 2019

UNITED STATES CONSTITUTIONAL LAW: HISTORY, THEORY, AND PRACTICE

LAW FACULTY OF LISBON UNIVERSITY
NOVEMBER 30, 2020 TO DECEMBER 4, 2020
ON-LINE VIA ZOOM 11:00 A.M. TO 1:00 P.M.

Prof. Dane S. Ciolino
Loyola University New Orleans

Email: dciolino@loyno.edu
M: 1-(504) 975-3263

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. *Course Format*. Lectures will be conducted on-line using a Zoom link to be provided.

C. *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.

D. *Evaluation*. Each student's final grade will be based on a paper to be submitted via email approximately one month after the conclusion of all lectures.

II. *Lectures*. Each class is described in the following table. The class is comprised of two, one-hour lectures each day from Monday through Friday. Students are encouraged to participate in class discussions and will be required to make brief presentations on assigned topics and cases on Thursday and Friday.

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.	INTERPRETING THE CONSTITUTION. The problem of interpretation. The "Living Constitution." Textualism. Originalism. Other approaches to constitutional interpretation.
7.	THE CONSTITUTION IN ACTION. Racial discrimination (*Plessy v. Ferguson*; *Brown v. Board of Education*). The right to keep and bear arms (*District of Columbia v. Heller*).
8.	THE CONSTITUTION IN ACTION. Privacy and abortion (*Griswold v. Connecticut*; *Roe v. Wade*; *Planned Parenthood v. Casey*).
9.	THE CONSTITUTION IN ACTION. Same-sex marriage (*Obergefell v. Hodges*).
10.	THE CONSTITUTION IN ACTION. Litigating and adjudicating the constitutionality of a hypothetical municipal ordinance.

Intensive Course

The Law of Apps: Regulatory Issues between Tech and Law

Pedro Lomba

Description

In this intensive course we will be dealing, from a public law perspective, with several regulatory issues concerning the law of apps. The first part of the course will be dedicated to an introduction to the law of apps and to its main regulatory issues. In the second and third part, we will explore the main regulatory issues by focusing on the T&C and privacy policies of concrete apps, in two different economic sectors.

Sylabus

1. An Introduction to the Law of Apps: what is an app and what makes it different from other forms of software?
2. Some issues of the Public Regulation of Apps.
3. Apps in special:
   3.1 App 1 (T&C and Privacy Policy)
   3.2 App 2 (T&C and Privacy Policy)

Materials

Students will be provided with scientific materials as well as the instruments regulating the two apps that we will discuss in the course.

Paper

Students are encouraged to write a short paper (maximum 10 pp, Times New Roman 12, 1.5)

Alexandre VIALA

Professeur agrégé de droit public à l'université de Montpellier
Professeur associé de l'Université Senghor d'Alexandrie
Directeur du CERCOP
Directeur du D.U. de Philosophie du droit

Membre du Conseil d'Administration de l'Association Française de Droit Constitutionnel
Membre du Conseil Scientifique de l'Association Française de Droit Constitutionnel
Membre de la Société Française de Philosophie Politique et de Théorie Juridique

Né le 29 mai 1967 à Neuilly-sur-Seine

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PARCOURS :

Juin 1985 : Baccalauréat sciences économiques, Mention Bien, (Académie de Nantes)
Juin 1987 : DEUG de droit, mention Assez Bien, à l'Université de Nantes
Juin 1988 : Licence de droit à l'Université de Nantes
Juin 1989 : Maîtrise de droit public général, mention Assez Bien, à l'Université de Nantes
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).*
Septembre 1998 : Maître de conférences à l'Université Pierre Mendes-France de Grenoble II
Juin 2000 : Agrégation de droit public, rang : 6ème
Septembre 2000 : Professeur à l'Université de Montpellier
Septembre 2007 : Avancement à la 1ère classe
Septembre 2014 : Avancement à la Classe exceptionnelle (1er échelon)
Septembre 2019 : Avancement à la Classe exceptionnelle (2ème échelon)

SPECIALITE :

Droit constitutionnel, Théorie et Philosophie du droit

PUBLICATIONS :

Ouvrages :

- Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel**,** *L.G.D.J., 1999, Bibliothèque constitutionnelle et de science politique, tome 92,* (316 pages)
- Droit constitutionnel, *Montchrestien, coll. Pages d'Amphi, 2004,* (manuel co-écrit avec Dominique Rousseau), (480 pages).
- Le pessimisme est un humanisme. Schopenhauer et la raison juridique. *Editions Mare et Martin, coll. « Libre Droit »,* 2017 (305 p.)

- L'essentiel de la philosophie du droit, *Gualino-Lextenso éditions, coll. « Les carrés »*, 2ème éd., 2018 (114 p.)
- Philosophie du droit, *Ellipses, coll. Cours magistral*, 2ème éd. 2019 (263 pages).

Directions d'ouvrage :

- La Constitution et le temps, *Actes du Vème séminaire franco-japonais de droit public, L'Hermès 2003.*
- Les mutations contemporaines de la démocratie, *Actes du VIIème séminaire franco-japonais de droit public, Publications de la Faculté de Droit de Montpellier, 2007.*
- Le droit, de quelle nature ?, *Actes du colloque de Montpellier, 8 et 9 mars 2007, (en co-direction avec D. Rousseau), Montchrestien-Lextenso éditions, coll. « Grands colloques », 2010.*
- La démocratie : mais qu'en disent les juristes ? Forces et faiblesses de la rationalité juridique, *Actes du colloque de Montpellier, 24 et 25 mai 2012, Montchrestien-Lextenso éditions, coll. « Grands colloques », 2014.*
- Le droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe, *Actes du colloque de Montpellier, 12 et 13 décembre 2013, (en co-direction avec F. Ballaguer Callejon et S. Pinon), LGDJ-Institut universitaire Varenne, 2015.*
- La QPC : vers une culture constitutionnelle partagée ?, *Actes du colloque organisé sous l'égide de la Maison de recherche Droit et Justice, Palais du Luxembourg, 24 mars 2014, (en co-direction avec L. Gay et E. Cartier), LGDJ-Institut universitaire Varenne, 2016.*
- Le pouvoir constituant au XXIème siècle, *Actes du colloque de Montpellier, 13 mai 2016, (en co-direction avec F. Ballaguer et S. Pinon), LGDJ-Institut universitaire Varenne, 2017.*

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
- Membre du comité de rédaction des Archives de Politique Criminelle.

Articles dans des revues à comité de lecture :

- Les réserves d'interprétation, un outil de "resserrement" de la contrainte de constitutionnalité, *Revue du Droit Public, 1997, n° 4, pp. 1047 à 1067 (20 pages).*
- Chronique de jurisprudence constitutionnelle 1995-1996, *Rev. Adm. Nov-déc. 1996, n° 294, pp. 642 à 651 (9 pages).*
- Chronique de jurisprudence constitutionnelle 1996-1997, *Rev. Adm. Nov-déc. 1997, n° 300, p. 620 à 626 (6 pages).*
- Chronique de jurisprudence constitutionnelle 1997-1998, *Rev. Adm. Juil-août 1999, n° 310, pp. 382 à 390 (8 pages).*
- Chronique de jurisprudence constitutionnelle 1998-1999, *Rev. Adm. Mars-avril 2001, n° 320, pp. 138 à 146 (8 pages).*
- L'interprétation du juge dans la hiérarchie des normes et des organes, *Les Cahiers du Conseil constitutionnel, 1999, n° 6, pp. 87 à 93 (7 pages).*

- La réforme du quinquennat dans le désenchantement, *Rev. Adm. Nov-déc. 2000, n° 318, pp. 591 à 593*
- La notion d'Etat de droit : l'histoire d'un défi à la science juridique, *Revue Européenne de droit public, 2001, n° 13, vol.1, pp. 673 à 691*.
- De la dualité du *sein* et du *sollen* pour mieux comprendre l'autorité de la chose interprétée, *RDP 2001, n° 3, pp. 777 à 809 (33 pages).*
- La légalité des quotas par sexe (pour certains jurys de concours), *Actualité Juridique Droit Administratif, n° 16-2003, pp. 817 à 820 (article co-écrit avec François LICHERE).*
- Le débat français sur la légitimité de l'euthanasie : pourquoi une loi ?, *in L'éthique et la mort, Revue Générale de Droit Médical, n° spécial, 2004, pp. 281 à 289 (8 pages).*
- La supraconstitutionnalité comme ressource paradoxale du souverainisme, *Politéia, n° 6, automne 2004, pp. 367 à 382 (15 pages).*
- Désordre normatif et pluralité linguistique européenne, *RDP 2006, n° 1, pp. 139 à 152 (13 pages).*
- Bulletin bibliographique : Controverses sur la Théorie pure du droit. Remarques critiques sur Georges Scelle et Michel Virally, *RDP 2006, n° 6, pp. 1849 à 1858 (9 pages).*
- Propos introductif, in Dossier « La campagne présidentielle de 2007 : quels débats constitutionnels ? », *Politéia, n° 11, 2007, pp. 47-50 (4 pages).*
- Recension de la thèse de Mathieu Disant sur « L'autorité de la chose interprétée par le Conseil constitutionnel », *in Constitutions, n°1, janvier-mars 2010, pp. 157-159.*
- Recension de l'ouvrage de Riccardo Guastini, traduit et préfacé par Véronique Champeil-Desplats, *Leçons de théorie constitutionnelle*, Paris, 2010, *in Juspoliticum, n° 5, décembre 2010, notes de lecture,* http://www.juspoliticum.com/Riccardo-GUASTINI-traduit-et.html
- Propos introductif, in *Les positivismes : d'Auguste Comte au Cercle de Vienne,* Actes du colloque de Montpellier, 12 février 2011, *Revue Interdisciplinaire d'Etudes Juridiques,* 2011, n° 67, pp.43-47.
- Le positivisme juridique : Kelsen et l'héritage kantien, in *Les positivismes : d'Auguste Comte au Cercle de Vienne,* Actes du colloque de Montpellier, 12 février 2011, *Revue Interdisciplinaire d'Etudes Juridiques,* 2011, n° 67, pp. 95-117.
- De la puissance à l'acte : la QPC et les nouveaux horizons de l'interprétation conforme, *RDP 2011, n° 4, pp. 965 à 996 (31 pages).*
- Un PFRLF contre le mariage gay ? Quand la doctrine fait dire au juge le droit qu'elle veut qu'il dise, *Revue des droits et libertés fondamentaux, 21 janvier 2013, Chron. n° 4.*
- Controverse autour de l'ouvrage de Norberto Bobbio, *De la structure à la fonction. Nouveaux essais de théorie du droit, RDP 2013, n° 2, p. 239.*
- La vocation instrumentale des normes juridiques dans l'œuvre de Paul Amselek, in *La pensée de Paul Amselek,* Cahiers de méthodologie juridique, n° 27, 2013, pp. 2029-2037.
- A propos d'un ouvrage récent, les cheminements philosophiques de Paul Amselek dans l'univers des normes, *RDP 2013, n° 5, pp. 1377 à 1388 (11 pages).*
- L'autorité des censures néo-calédonienne : quand le contrôle *a priori* pétrifie les enjeux du contrôle *a posteriori* (commentaire de la décision du Cons. const. n° 2013-349 QPC du 18 octobre 2013, *Société Allianz IARD et autre*, JORF du 20 octobre 2013, p. 17279), Constitutions, 2013, n° 4, p. 573-581.
- La consécration du droit naturel moderne dans la décision du Conseil constitutionnel relative au mariage gay, *Annuaire International de Justice Constitutionnelle,* 2014, pp. 77-85.
- Recension de l'ouvrage de Jean-Jacques Sueur, *Pour un doit politique. Contribution à un débat,* Presses universitaires de Laval, collection Dikè, 2011, in *Juspoliticum, n° 12, juin 2014, notes de lecture,* http://www.juspoliticum.com/Jean-Jacques-SUEUR-Pour-un-droit.html

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- Recension de l'ouvrage de Dominique Schnapper, *L'esprit démocratique des lois,* Gallimard, 2014, Revue Droit et société, plateforme en ligne http://ds.hypotheses.org/860
- Débat autour de l'ouvrage « L'esprit démocratique des lois », *RDP, 2015, n° 6, pp. 1477-1494.*
- Le droit constitutionnel à l'heure du tournant arrêtiste. Questions de méthode, *RDP 2016, n° 4, pp. 1137-1162.*
- Les réserves d'interprétation : aspects généraux, in *Le droit constitutionnel, une nouvelle arme pour le praticien du contentieux social*, colloque organisé le 14 décembre 2015 par AVOSIAL, *Semaine sociale Lamy, n° 1724, 23 mai 2016, pp. 22-26.*
- Recension de l'ouvrage de Dominique Rousseau, *Radicaliser la démocratie. Propositions pour une refondation,* Seuil, 2015, 231 p., in *RFDC mars 2016, n° 105, pp. 70-76.*
- Constitution et sciences économiques : enjeux et difficultés épistémologiques, in *Constitution et sciences économiques,* Actes du colloque de Montpellier, 13 novembre 2013, *Revue Interdisciplinaire d'Etudes Juridiques,* 2017, n° 78, pp. 55-58.
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- Démocratie pluraliste et pouvoir normatif du gouvernement. L'exemple français, in *Crise de la représentation et nouvelles dynamiques de la régulation. Perspectives de la démocratie pluraliste en Europe,* Université de Catane, Giuseppe Vecchio (sous la dir. de), 3 et 4 avril 2017, Rivista telematica *Osservatorio sulle fonti, Fascicolo 3, 2017*
- La transcendance républicaine en question. Autour de « Soumission » de Michel Houellebecq, *Revue Droit et Littérature, n° 2, 2018, p. 211-223.*
- Recension de l'ouvrage d'O. Jouanjan, *Justifier l'injustifiable. L'ordre du discours juridique nazi,* Archives de Politique Criminelle, n° 40, 2018, pp. 259-264.
- La révision constitutionnelle et la majesté de la Constitution, *Romanian Journal of comparative law*, Volume n° 10, 2019, p. 13.
- Le droit constitutionnel européen, un nouvel objet pour une nouvelle discipline ?, RFDC 2019/4, n° 120, pp. 929-947.

Contributions à des ouvrages collectifs :

- Il governo e il primo ministro, *chapitre III du manuel collectif rédigé sous la direction de Dominique Rousseau (L'ordinamento costituzionale della Quinta Repubblica francese), G. Giappichelli Editore-Torino, 2000, trad. Andrea Morrone, pp. 197 à 243*
- Controverses sur la justice constitutionnelle, *Memoria del VIIème Congreso iberoamericano de Derecho Constitucional, Tribunales y justicia constitucional, sous la coordination de Juan Vega Gomez et d'Edgar Corzo Sosa, Instituto de Investigaciones juridicas, Serie Doctrina Juridica, N° 108, Mexico, 2002, p. 401.*
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PHILOSOPHIE DU DROIT

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1 - Problématique :

Le cours a pour finalité d'inviter les étudiants en droit à aborder leur objet familier, le droit, non plus dans une perspective technique et compartimentée comme l'exige la division académique de la discipline en diverses branches qui correspondent chacune à un secteur de la vie sociale, mais sous un angle théorique et global. Il s'adresse donc autant aux privatistes qu'aux publicistes, comme il peut intéresser aussi bien les internistes que les internationalistes. Mais l'une des vertus majeures de la philosophie du droit est d'aider surtout les juristes, très tôt plongés dans l'étude appliquée des mécanismes et du *comment ?* du phénomène juridique, à prendre un peu de hauteur et à s'interroger sur le *pourquoi ?* de leur objet. Pour appréhender celui-ci de la façon la plus globale qui soit comme le commande la démarche philosophique dont se réclame le cours, il conviendra de le saisir sous deux angles différents qui alimenteront chacun les deux parties.

Le premier champ de réflexion renverra au statut ontologique du droit, c'est-à-dire qu'il portera sur la nature et l'essence du droit comme objet livré à l'examen de l'observateur. Le droit est alors conçu comme un ensemble normatif qui accorde des droits et fixe des obligations et se matérialise par un discours, législatif ou juridictionnel, dont la teneur diverge selon les conceptions qu'en livrent les différentes écoles philosophiques. On verra notamment qu'à l'ontologie *réaliste* et *objectiviste* des Anciens qui pensaient que le législateur et le juge n'avaient qu'à restituer passivement, de façon indicative, ce que raconte la nature des choses dont serait issu le droit, s'oppose l'ontologie *idéaliste* et *subjectiviste* des Modernes selon lesquels le droit, fruit de l'esprit, n'est que le produit intellectuel de la volonté humaine et se décline, dès lors, en termes prescriptifs. Ces deux approches antagonistes de l'ontologie juridique feront ainsi l'objet des deux temps forts de la première partie sachant que la première, dite anté ou pré-moderne et née sous l'Antiquité gréco-romaine pour se poursuivre jusqu'au Haut Moyen Age, ne sera abordée que rétrospectivement à l'occasion de l'examen, dès le Titre premier, de sa rivale réputée moderne qui, dès le XIVème siècle, s'est inscrite en rupture par rapport à elle. L'ontologie réaliste occupera à nouveau certains développements du Titre second à travers l'étude d'une post-modernité laquelle, depuis le XXème siècle, œuvre par certains côtés à sa réhabilitation.

La seconde partie du cours sera consacrée au statut épistémologique du droit. Autrement dit, il s'agira cette fois de regarder le droit non comme discours-objet du législateur et du juge mais comme méta-discours portant sur cet objet. Au lieu de saisir directement le droit, la question visera, de façon médiate, la science du droit. Dès lors, le discours qui matérialise le droit selon ce point de vue épistémologique n'est plus celui du législateur et du juge car il est prononcé par d'autres juristes dont le statut, que revêtent les professeurs de droit, relève du monde académique et non pas politique. Puisque ce méta-discours est censé être un discours de connaissance, toute la problématique qui animera cette

seconde partie consistera à s'interroger sur ses conditions de scientificité. Or, on verra qu'elles ne sont pas déterminées pareillement selon la philosophie du droit sous la bannière de laquelle on se place. Selon une épistémologie dite prescriptive ou idéaliste qui correspond en général aux conceptions de type jusnaturaliste, il ne serait pas indu de faire de la science du droit tout en s'autorisant à émettre des jugements de valeur et à dire ce que devrait être le droit. C'est à l'aune du droit naturel, regardé comme idéal et objectivement connaissable aux yeux d'une telle épistémologie, que s'effectuerait cette évaluation dont le caractère prescritif n'enlèverait rien à sa scientificité. Au contraire, pour une épistémologie dite descriptive ou empiriste qu'ont l'habitude d'adopter les tenants du positivisme juridique, il est absolument nécessaire, sous peine de méconnaître les limites de la neutralité axiologique de la science du droit, de bien faire le départ entre le droit tel qu'il est et le droit tel qu'il devrait être et de se garder de promouvoir celui-ci sous couvert de la science. L'examen de ces deux épistémologies rivales, étudiées l'une après l'autre, rythmera ainsi cette seconde partie. Plus précisément, le Titre premier consistera à mettre dos à dos ces deux méthodologies qui, observées chacune dans leur plus pure radicalité, ne constituent rien d'autre que des obstacles épistémologiques. Le Titre second se présentera, dès lors, comme la promotion d'une voie médiane dont la vertu est d'éviter les deux écueils respectifs de l'idéalisme et de l'empirisme en encourageant, pour expliquer le droit, l'utilisation de modèles abstraits porteurs d'une fonction critique et non idéologique. C'est cette voie médiane qu'on appelle le recours à la théorie du droit.

De manière générale, le but de cette présentation duale est de montrer que l'histoire de la pensée juridique est celle d'une série de courants dont l'identité dépend, pour chacun, tant du parti pris ontologique que de l'option épistémologique retenus ce qui donne une succession de combinaisons qui seront analysées en détail et qui confèrent à la philosophie du droit toute sa richesse (aristotélisme, thomisme, nominalisme, école du droit naturel moderne, légalisme, positivisme juridique, positivisme sociologique, normativisme, réalisme juridique, néo-thomisme, néo-positivisme…)

2 - <u>Plan</u> :

Introduction

Première partie - La question ontologique : qu'est-ce que le droit ?

Titre I – La métaphysique subjectiviste de la modernité : la volonté représentée comme fondement de l'ordre juridique (du XIVème au XIXème siècle)

Chapitre I – Un tournant paradigmatique : la révolution nominaliste

Section I – Une approche idéaliste du droit

Section II – Les théories du contrat social

Chapitre II – Une normativité triomphante : le culte de la loi

Section I – Le glissement du droit naturel moderne vers le positivisme juridique

Section II – La confusion du droit et de la loi

Titre II – Le réalisme objectiviste de la post-modernité : la volonté représentée comme simple moteur de l'ordre juridique (du XXème siècle à nos jours).

Chapitre I – Une réaction ontologique : la contre-révolution objectiviste

Section I – Une approche réaliste du droit

Section II – Une entreprise d'autonomisation du droit

Chapitre II – Une normativité en mutation : le culte du droit
Section I – La dévalorisation de la loi
Section II – L'émergence de la figure du juge

Seconde partie - La question épistémologique : qu'est-ce que la science du droit ?

Titre I - Les deux obstacles épistémologiques : l'idéalisme et l'empirisme
Chapitre I - L'idéalisme : l'épistémologie prescriptive
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Chapitre I – Une fonction de dévoilement de la réalité
Chapitre II – Une fonction de prévention contre le dogmatisme

Conclusion

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- Eric Millard et Olivier Jouanjan (sous la dir. de), *Les théories réalistes du droit*, Presses Universitaires de Strasbourg, 2000.
- Jean-Cassien Billier et Aglaé Maryioli, *Histoire de la philosophie du droit*, Armand Colin, 2001
- Rémy Libchaber, *L'ordre juridique et le discours du droit. Essai sur les limites de la connaissance du droit*, LGDJ, 2013.
- Lucien François, *Le cap des tempêtes. Essai de microscopie du droit*, Bruylant, 2012.

Revues :

- Archives de philosophie du droit
- Revue de la recherche juridique et de droit prospectif
- Droits (Revue Française de théorie, de philosophie et de culture juridiques)
- Cahiers de philosophie politique et juridique
- Droit et société
- Revue interdisciplinaire d'études juridiques
- Juspoliticum (revue en ligne)
- Droit et philosophie (Annuaire de l'Institut Michel Villey)

European Union Administrative Law

Erasmus Course

Lourenço Vilhena de Freitas

1. The European Union Administration: Concept, Legal Provisions, Development, the Models of European Administration: Indirect Administration, Direct Administration and Shared Administration

2. The structures of the European Administration and its executive powers: The European Commission; The European Council; The Europeans Agencies, Other Institutions, Organs and Organisms of the European Administration; the PESC administrative framework

3. The European Union Procedure and its principles; the European Union Administrative Act (concept, regime – requisites, validity, revocation, effectiveness, termination)

4. The European Union Contracts and the European Union Regulations

5. The Judicial Review of the European Union Administrative Action

CURSOS INTENSIVOS ERASMUS 2020/2021

European Legal Practice Integrated Studies
ELPIS

Inscrições Online
Curso Online / Idioma: Inglês

Curso Intensivo Lincoln-ELPIS

Introduction to the Lincoln / ELPIS Intensive Course

Professor Vasco Pereira da Silva
Universidade de Lisboa | Faculdade de Direito

26 de Outubro 2020
Lisboa: 17h00 – 18h00

About EU and USA

Professor Claas Germelmann
Leibniz Universität Hannover | Faculty of Law

2 de Novembro 2020
Knoxville: 12h00 -13h00
Lisboa: 17h00 - 18h00
Hannover e Rouen: 18h00 - 19h00

Double Jeopardy Principles and the US' Preference for Finality over Accuracy at Trial

Professora Melanie Reid
Lincoln Memorial University | Duncan School of Law

9 de novembro 2020
Knoxville: 12h00 -13h00
Lisboa: 17h00 - 18h00
Hannover e Rouen: 18h00 - 19h00

Constitution and Culture: National, European and Global Approach

Professor Vasco Pereira da Silva
Universidade de Lisboa | Faculdade de Direito

16 de Novembro 2020
Knoxville: 12h00 -13h00
Lisboa: 17h00 - 18h00
Hannover e Rouen: 18h00 - 19h00

Embryo of an International Protection of Human Rights

Professora Marine Toullier
Rouen Normandy University | Law, Economics, Management Faculty

23 de Novembro 2020
Knoxville: 12h00 -13h00
Lisboa: 17h00 - 18h00
Hannover e Rouen: 18h00 - 19h00

FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

GERI
GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

Dr. Jacques Ziller, PhD

Born 1951, French nationality, **Full Professor of European Union Law** at the **University of Pavia**, Department of Political and Social Sciences.
Chairman of Societas Iuris Publici Europaei (SIPE)
Coordinator of ReNEUAL the Research Network European Administrative Law

University of Pavia Strada Nuova 65, 27 100 Pavia -ITALY
Jacques.ziller@unipv.it

Studied at Paris II and Paris IV Universities as well as at the Paris Institute of Political Studies (*Sciences Po*). Doctor's degree in law from Paris II University (***Doctorat d'Etat en droit***), post-graduate diplomas (***Dipômes d'Etudes supérieures***) in public law and political science, graduate diploma of the Paris Institute of Political Studies (***Dipômes de l'IEP de Paris***), as well as a graduate diploma (***Licence ès lettres***) in German language and literature.

Has been teaching French public law and comparative public law, European community law and international law, as well as public administration as an assistant professor at Paris II University (1980-1985), as an associate professor at ESSEC Business School (Cergy-Pontoise, 1980-1985) and later as a professor at the University of French West-Indies and Guyana (Guadeloupe-FWI, 1989-1991) and at University Paris 1, Panthéon-Sorbonne (1992-2007 – on secondment from 1/09/1998 to 30/09/2007). Professor of Comparative Public Law the European University Institute, Florence from September 1st 1998 until 2008. Head of the Law Department from 1 October 1999 to 31 October 2003.

Specialized in research and training for senior civil servants in the fields of comparative public administration and management and also in the field of European affairs and regional integration when working as a lecturer and later an associate professor at the European Institute of Public Administration (IEAP/EIPA-Maastricht, The Netherlands, 1986-1989) and Director of research and publications at the International Institute of Public Administration (IIAP, Paris, France, 1992 -1995). Chief Editor of the Revue française d'Administration publique from January 1992 to September 1995. Visiting Professor at the College of Europe (Bruges, Belgium) from 1993 to 1998, and at the Universitat Autonoma (Barcelona, Spain) from 1994 to 1997.

President of Societas Iuris Publici Europaei (SIPE). Coordinator of ReNEUAL, the Research Network on EU Administrative Law. Member of the *Academic Advisory Board*, Salzburg Centre of European Union Studies; former member of the Scientific Council of the Deutsches Forschungsinstituts für öffentliche Verwaltung *bei der deutschen Hochschule für Verwaltungswissenschaften Speyer*, of the *Steering Committee* of *Euro-Latin Study Network on Integration and Trade* – ELSNIT.
Former member of the Steering Committe of the *European Group for Public Administration (*EGPA-GEAP*, Bruxelles)* : 1993-1996 and 2004-2010 and of the Program Committee of the *International Association of Schools and Institutes or Administration* (AIEIA/IASIA)

Consultant to the European Parliament, to the European Commission and to the Committee of the Regions of the European Union. Consultant to OECD (Puma and Sigma programs). Member of the working group which produced the reports *A Basic Treaty for the European Union*, (EUI-Robert Schuman Centre), 15 May 2000 and *Reforming the Treaties' Amendment Procedures*, 31 July 2000. Expert for the Committee of Regions for the European Convention on (2002-2003).

Principal Investigator of the Progetto di Ricerca d'Interesse Nazionale 2012SAM3KM on European Administrative Procedures 2014-2017.

Languages *:*
French *(native speaker), Dutch, English, German,* ***Italian****, Spanish; Portuguese*

Brexit: Process and Impact on EU and Member States' law

Professor Jacques Ziller
Università degli Studi di Pavia

The course will consist in five sessions (each of 2 hours), in which we will explore the following topics. The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.

1. **From the Schuman Declaration of 9 May 1950 to Brexit: *Je t'aime, moi non plus***
   The difficult story of the UK's relationship with the European Communities and European Union will be retraced in order to understand the reasons for participation in and for staying apart from European integration. The main steps to be understood are the negotiations between Jean Monnet's team and Clement Attlee's Labour Government in 1950-51, decade of negotiations to join the European Communities and the Referendum of 1975, Roy Jenkins' Presidency of the European Commission and Margaret Thatcher's turn in the 1980s, the negotiations of the Single European Act, the Maastricht Treaty and the Amsterdam treaty, those of the EU Charter of Fundamental Rights, Nice Treaty and Constitutional treaty, and eventually the promises of referendums from 2004 to 2016. The legal focus will be underlined: constraints of treaty negotiation and ratification; unanimity v. majority voting in the Council; participation in the EU judicial system.

2. **Why and how Brexit?** The main reasons for the UK's withdrawal will be examined with their legal dimension: "recovering sovereignty" of the UK legislator, recovering autonomy in trade agreements, recovering autonomy in migration law and policy, putting an end to the primacy of EU law. The implications of participation in v. withdrawal from the EU will be assessed especially in their legal dimension. The legal framework of withdrawal will be examined based on art. 50 TEU on withdrawal of a member State. The negotiations between the UK government and the EU institutions will be studied in order to understand to what extent the procedures of art. 50 have constrained both sides, and to what extent there has been a margin of manoeuvre. The differences between a Brexit with withdrawal agreement and without withdrawal agreement will be explored. A central focus will be the issue of Ireland and the risks of a "hard border". The UK's constitutional law has had a deep impact on the calendar of Brexit, in the framework of art. 50 TEU. The constitutional rules and the role of UK courts, as well as the political situation in the House of Commons will be examined in order to understand the delays in withdrawal.

3. **The Withdrawal agreement.** The Withdrawal agreement of 24 January 2020 will be studied in three parts. 1. The provisions relating to settled citizens: maintaining acquired rights and judicial review involving the CJEU. 2. Settling the withdrawal – a special attention will be given to the CJEU. 3. Protocols on Ireland / Northern Ireland; relating to the Sovereign Base Areas in Cyprus; on Gibraltar.

4. **The EU-UK Trade and Cooperation Agreement -I.** The process of negotiations from 1 February to 24 December 2020 will be examined in order to understand the choices that have been made. The provisions relating to trade between the EU and the UK and the consequences of the choices made

will be studied, with a special emphasis on the free movement of goods and the lacunae of the provisions on free movement of labourers, freedom of establishment and free circulation of services.

5. **The EU-UK Trade and Cooperation Agreement -II.** The provisions on cooperation in other fields than free trade will be examined, with a special emphasis on police and judicial cooperation. The dispute resolution system will be examined, with special attention to the differences with the Withdrawal agreement with regard to the CJEU. A tentative overview of issues remaining to be settled will be undertaken.

The course will be assessed by a written exam. The exact form will be announced during the course.

Professor Ziller's cv and publications list is to be found at
http://www-3.unipv.it/webdsps/it/docente.php?id=ziller

Giacinto della Cananea - Curriculum professionale

1. **Studi**
   - ✓ Liceo classico "Francesco Vivona" (Roma)
   - ✓ 1989: laurea in Giurisprudenza presso l'Università di Roma "La Sapienza", con 110 e lode (relatore S. Cassese)
   - ✓ 1990-3: Dottorato di ricerca in diritto europeo presso l'Istituto universitario europeo (Fiesole); diploma con menzione speciale della commissione (relatore F. Snyder)
   - ✓ 1994: *Jemolo fellow*, University of Oxford – Nuffield College
2. **Pubblicazioni**
   - ✓ autore di sei monografie (l'ultima è *Due Process of Law Beyond the State*, Oxford University Press, 2016), curatore di venti opere collettive, autore di duecento articoli, saggi e note
   - ✓ Direttore (con Marta Cartabia) dell'*Italian Journal of Public Law* (2009-)
3. **Percorso universitario**
   - ✓ Università italiane
     - 1993-98: ricercatore di Diritto amministrativo, Università di Roma "La Sapienza"
     - 1998-2001: associato di Diritto amministrativo, Università di Urbino
     - 2001-2018: ordinario di Diritto amministrativo nelle Università di Urbino, Napoli "Federico II" e Roma "Tor Vergata"
     - 2018: ordinario di Diritto amministrativo nell'Università Bocconi
   - ✓ Altre università (con responsabilità di corsi)
     - 1999: docente di Diritto europeo, Università di Francoforte
     - 2007-2012: docente di Diritto amministrativo europeo, Science-Po Paris
     - 2009: docente di Diritto europeo, Duke Law School (USA)
     - 2013: docente di Legal pluralism, Yale Law School (USA)
   - ✓ *Visiting professor* nelle Università di Aix-en-Provence, Barcellona (Bellaterra; Pompeu Fabre), Bordeaux, Oxford
4. **Ricerche finanziate e premi**
   - ✓ 4 progetti di ricerca d'interesse nazionale, coordinatore di unità locali (1998-2015)
   - ✓ Principal investigator nell'*advanced grant* concesso dall'European Research Council per la ricerca sui diritti amministrativi europei (2016-2021) (1,3 M €)
   - ✓ Vincitore del primo premio nell'*Altiero Spinelli Prize* 2017, per la proposta di codificazione dei procedimenti dell'Unione europea (Oxford University Press, 2018; Editoriale scientifica, 2017)
5. **Incarichi professionali**
   - ✓ Componente del Consiglio di presidenza della giustizia tributaria (2018-)
   - ✓ Componente del Consiglio di amministrazione della società Fintecna (agosto 2016-)
   - ✓ Iscritto all'albo degli avvocati di Roma, arbitro in materia di appalti
   - ✓ Consulente di organi costituzionali, amministrazioni statali ed enti regionali, tra cui la Regione Lazio, la Regione Toscana, la Provincia di Roma, il Comune di Pesaro. In particolare:
     - consulente del Ministro della funzione pubblica (1993-94) in tema di semplificazione amministrativa e tutela degli utenti dei servizi pubblici
     - componente del Consiglio di amministrazione della Cassa depositi e prestiti (1997-2003)
     - componente del collegio di valutazione della Facoltà di scienze politiche dell'Università di Siena
     - consulente in un procedimento giudiziario davanti alla *High Court of Justice* di Londra in materia di contratti riguardanti strumenti finanziari derivati (2012-13)
     - consulente del Ministro dell'Università e della ricerca scientifica (2010-2012)
     - presidente del gruppo degli esperti della valutazione per l'area giuridica, istituito presso l'ANVUR (2011-2013) nel quadro della valutazione nazionale della ricerca
     - presidente del Nucleo di Valutazione dell'Università di Trento (luglio 2013-luglio 2015)
     - consulente del Senato della Repubblica in tema di trattamento economico dei funzionari (2016)
     - componente del Consiglio di presidenza della Corte dei conti (2013-2018; vice-presidente del collegio e presidente della commissione disciplinare e di quella per il regolamento dal settembre 2016 al settembre 2018)
     - coordinatore del comitato scientifico per lo studio dei programmi delle principali forze politiche e per lo studio degli accordi di coalizione in altri Paesi europei (2018)
   - ✓ Consulente di società di comunicazioni elettroniche e ordini professionali. In particolare:
     - Consulente di Fastweb e Telecom per questioni concernenti l'installazione di reti
     - Consulente dell'ASSTel per questioni concernenti il roaming internazionale
     - Consulente del Consiglio nazionale dei geometri per la riforma dell'ordinamento professionale
     - Consulente di concessionari di giochi pubblici per questioni relative agli apparecchi di gioco

From 'comparative administrative law' to common constitutional traditions

(Lisbon, Spring 2021)

by Giacinto della Cananea

Course outline and aims

This course introduces you to comparative administrative law and shows that it has been considered in very different ways across time. It introduces you to the different approaches and theories. Methodologically, it is based on the discussion of cases and materials, previously circulated, including treaty provisions and judicial decisions. Together with these cases and materials, for each lesson there is one piece that should be read by all students before the lesson; those who wish to know more find other references within the syllabus.
Moreover, the course has a strong focus on the European legal area, even though some of the materials will cross the boundaries between national, European and international law. Students are expected to reflect on the complexity of the relations between these levels. Precisely for this reason, students will be encouraged not only to actively participate to the debate, but also to make reference to their own national principles concerning, for example, legality, due process of law and the privilege against self-incrimination. The aim of the course, ultimately, is to encourage reflection and discussion.

1. Introduction
   A) A quick look at the argument: administrative law as "*une des formes de l'etat nouveau du monde*"; necessity to distinguish between comparative approaches in their general terms and those concerning the European legal area
   B) Legal theories
      i. Montesquieu: similarity within diversity
      ii. Dicey: incommensurability of national laws
      iii. Hegel: separation of internal and external public law
      iv. Rivero: commonality of public law in Europe
   C) Legal realities: judicial decisions and international treaties

Preliminary reading:

R. Schlesinger, *Research on the general principles of law recognized by civilized nations*, AJCL, 1957

Cases and materials

- French *Conseil d'Etat*, *Blanco* (1872)
- US Supreme Court, *Lawrence v Texas* (2003), excerpt
- Statute of the permanent court of international justice (1920), article 38
- Statute of the International court of justice (1948), article 38
- Statute of London establishing the Council of Europe (1949), article 3
- Treaty of Rome (1957), articles 173 and 215

Further reading

- A. de Tocqueville, *L'ancien regime et la Révolution* (1856; Eng. transl.; excerpt)
- Montesquieu, *L'esprit des lois* (1748; Engl. transl.; excerpt)
- J. Rivero, *Vers un droit commun européen: nouvelles perspectives en droit administratif* (1980)
- S. Cassese, *Une des formes de l'ètat nouveau du monde: réflexions sur le droit administratif français* (1994)
- S. Rose-Ackermann & P. Lindseth, *Comparative Administrative Law* (2012, 2nd ed.)
- G. della Cananea, *Il nucleo comune dei diritti amministrativi in Europa. Un'introduzione* (2019, monograph in Italian, available at: http://www.coceal.it/pdf/della%20cananea%20Libro.pdf

2. The comparative study of administrative law within and outside the OECD: diversity, parallel developments and legal transplants
   A) A *caveat* on 'best practices'
   B) Diversity: judicial independence and judicial review
   C) Parallelism: administrative due process of law in *fin de siècle* Europe (1890-1910); Administrative Procedure Acts in Europe (1925-2020)
   D) Legal transplants: the grounds of judicial review in France, Italy and the EEC; the aftermath of the Austrian Administrative Procedure Act (1925)

Preliminary reading

G. della Cananea, *The Regulation of Administrative Procedures in Europe: a Historical and Comparative Perspective*, ERPL (2020)

Cases and materials

- French *Conseil d'Etat*, concept of *detournement de pouvoir*
- Article 3, Italian law of 1889
- Article 173 of the Treaty of Rome
- AG Lagrange, Opinion in Case 3/1954, *Assider*
- Administrative Procedure Acts of Italy, the Netherlands and Sweden (excerpts)

Further reading

- Sabino Cassese, *The legislative regulation of administrative procedure* (1992)
- P. Craig, *Judicial Review and Questions of Law: A Comparative Perspective* (2009)
- G. della Cananea & S. Mannoni (eds), *Administrative Justice: fin de siècle* (1890-1910) (OUP, 2021)
- S. Rose-Ackermann & P. Lindseth, *Comparative Administrative Law. Outlining a Field of Study* (2012)
- Tom Ginsburg, *Comparative Administrative Procedure: Evidence from Northeast Asia* (2002)

- G. Zhu (ed.), *Deference to the Administration in Judicial Review. Comparative Perspectives* (2019)

3. Commonality (I) General principles of law common to a plurality of legal orders: the legality of administrative action
   A) Variety of views about the rule of law
   B) The rule of law in Europe: the treaties establishing the Council of Europe and the European Union
   C) Legality and the withdrawal of unlawful administrative acts: the European Court of Justice's ruling in *Algera*

   Preliminary reading

   T. Koopmans, *The Birth of European Law at the Crossroads of Legal Traditions*, 39 am. J. Comp. L. 493, 494 (1991)

   Cases and materials

   - Statute of London, establishing the Council of Europe
   - ECJ, Joined cases 7/56, 3/57 to 7/57, *Algera et al. v Common Assembly of the ECSC*
   - AG Lagrange, opinion in Joined cases 7/56, 3/57 to 7/57, *Algera et al. v Common Assembly of the ECSC*

   Further reading
   - P. Craig, *Formal and substantive conceptions of the rule of law: an analytical framework*, PL (2005)
   - M. Letourner and R Drago, *The Rule of Law as Understood in France*, AJCL, 1958
   - J. Rivero, *Le problème de l'influence des droits internes sur la Cour de Justice des Communautés européennes*, AFDI 1958
   - J. Schwarze, *The Convergence of the Administrative Laws of the EU Member States*, EPL 1991

4. Commonality (II) General principles of law common to a plurality of legal orders: administrative due process of law
   A) Variations on a given theme: Seneca's *Medea* and its reception in England
   B) Due process as a general principle of law of the European Community
   C) Due process in the US

   Preliminary reading

   G. della Cananea, *Due Process of Law Beyond the State. Requirements of Administrative Procedure* (OUP, 2016), ch. 9

   Cases and materials

   - Seneca's *Medea* (excerpt)
   - Opinion of the AG Lagrange in case 32/62, *Alvis v. Council*
   - US Constitution, Fifth amendment
   - US Supreme Court, *Boumediene v. Bush* (2008)

Further reading

- P. Craig, *The HRA, Article 6 and Procedural Rights*, PL (2003)
- T.M. Scanlon, *Due Process* (1977), ch. 3

5. Commoality (III). Common constitutional traditions: *nemo tenetur se detegere*
   A) *Miranda* and the privilege against self-incrimination
   B) "Common constitutional traditions": judicial decisions and treaty provisions
   C) The right to be silent within administrative procedure in the EU: the Italian Constitutional Court's preliminary reference to the ECJ and the opinion of the AG

Preliminary reading

S. Cassese, *Common Constitutional Traditions in the EU*, RTDP, 2017

Cases and materials

- US Supreme Court, *Miranda v. Arizona* (1966)
- Italian Constitutional Court's preliminary reference to the ECJ (2019)
- Opinion of AG Pikamae, Case C-481/19, *DB v Consob*

Further reading

- G. della Cananea, *Common constitutional traditions taken seriously: process rights*, ERPL 2020
- A. Stone Sweet & C. Ryan, *A Cosmopolitan Legal Order. Kant, Constitutional Justice and the European Convention on Human Rights* (OUP, 2018)

Assessment

The course is a research-led one, without a textbook (but those who wish to use one can look at Lindeth and Rose-Ackermann). It will be assessed using coursework only. There will be an assessement based on a take-home exam; that is, a 1.500/2.000 words essay on one of the topics selected by the teacher. This will provide students with an opportunity to develop their own research and writing skills and obtain feedback thereon.

FACULDADE DE DIREITO UNIVERSIDADE DE LISBOA

INTERNATIONAL HUMANITARIAN LAW

(course in English)

March 2021

Prof.ª Doutora Ana Soares Pinto

SYLLABUS

LECTURE 1: International Humanitarian Law: concept and main sources. (08/03/2021: 16h00-18h00)

LECTURE 2: Protected persons. (09/03/2021: 16h00-18h00)

LECTURE 3: Protected persons. Conduct of hostilities. (10/03/2021: 16h00-18h00)

LECTURE 4: Implementation of International Humanitarian Law. (11/03/2021: 16h00-18h00)

LECTURE 5: Humanitarian access in the context of COVID-19. (12/03/2021: 16h00-18h00)

Evaluation: paper on topics related to the course.

Prof. Dr. Bernd Oppermann LL.M. (UCLA)
Dr. h.c. (Univ. Rouen), Hon. Prof. (UMCS Lublin)

Bertramstr. 4
D – 30165 Hanover
Tel. +49 173 7741 889

Oct. 2020

CV

29. 02. 1956	Date of birth (Buedingen, Hesse, Germany)

Summary

More than 25 years' experience in teaching, research and practice in law; 15 years' experience in European and international network management. Currently Chair for German, European and International Private Law and Commercial Law at Law of Faculty, Leibniz University Hanover, Germany.

Education

1971 – 1980	Technical high school at Hanau, Germany; studies in law, physics and philosophy at J.W.Goethe-University, Frankfurt/Main, Germany; grantee of German National Fellowship Foundation
1981	First state examination in law, Frankfurt/Main, Germany
1981 – 1982	Graduate studies at University of California Los Angeles, School of Law, USA; Master of Laws (LL.M.); assistant of Prof. George Fletcher, UCLA
1983 – 1985	Clerkship, Court of Appeals, Frankfurt/Main, Germany
1985	Ph.D. (Dr. jur.) at J.W.Goethe-University, Frankfurt/Main, Germany (advisor: Prof. Dr. Dieter Simon, MPI Frankfurt)
1986	Second state examination in law.

Employment

1982	Patent and copyright law firm Spensley, Horn, Jubas & Lubitz, Beverly Hills, CA, USA
1983 – 1985	Clerkship, Court of Appeals, Frankfurt/Main, Germany
1986 –1987	Ministry for Cultural Affairs Rhine-Palladium, Mainz, Germany
1987 – 1992	Juniorprofessor Hamburg U., Faculty of Law, Hamburg, Germany
1992	Habilitation at Hamburg U, *venia legendi* for private law, civil procedure, business law, and legal theory.
1992 – 1994	Ass. Professor at Leibniz University Hanover, Germany
1993 – 1994	Teaching at Europe University Viadrina, Frankfurt/Oder, Germany
since 1994	Chair for German, European and International Private Law and Commercial Law, Faculty of Law, Leibniz University Hanover, Germany
1999 - 2016	Chairman for the international programms of ELPIS (MLE/CLE/ LL.M. Eur. joint degree) at LUH and for the ELPIS network of European law faculties (for details vf. www.ELPIS.eu)

2000 – 2004	Dean and Vice Dean at Faculty of Law, Leibniz University Hanover
2002	for 6 months guest lecturer and research at Chulalongkorn University Bangkok,.Thailand
2003 – 2006	Scientific coordinator of TEMPUS project "reform of Russian legal education", four pilot projects in the Ural region at Tjumen, Ekaterinenburg, Perm und Ishevsk, Russia.
2004 – 2014	Erasmus Mundus coordinator (EU) for the programme “European Legal Practice LL.M. Eur. joint degree” (France/Germany/Portugal)
2017 - 2021	Dean, Faculty of Law, Leibniz University Hanover

International Teaching/Research

Japan (Keio U and Yokohama City U 1994), Poland (Center for New Europe, U Krakow 1996, 1998; Marie-Curie Sklodowskiej U Lublin 1994, 2001 – 2003, 2010, *2020*); Scotland, UK (Strathclyde U Glasgow 1996, Durham 2011); Greece (Aristoteles U Thessaloniki 1998); Turkey (Bilgi U Istanbul 1998; political delegation, Minister for Economy, Lower Saxony at Istanbul, Izmir and Ankara 2010, Konya 2015); Russia (State U Perm 2001, Law Academy Ekaterinenburg 2004, HSE Moskow *2019*); Portugal (Catholic U of Portugal, Lisbon 2001 – 2009; U of Lissabon 2010 – 2019, *2021*); Thailand (Chulalongkorn U Bangkok 2002, 2007 – 2014); China (Northwest U Xi’an 2005, Jiao Tong U Shanghai 2007), Brasil (UNIPLAC Brasilia 2006, DAMAS U Recife *2019*), India (SYMBIOSIS U Poona 2008 – 2011, NLU New Delhi 2017); Indonesia (Bandung Univ. 2012, Gadjah Mada U, Yogyakarta 2013); Malaysia (UiTM Shah Alam 2016); France (U Le Havre 2017).

Other Activities

Coordinating scholar for the German National Fellowship Foundation (1997 – 2021); rapporteur for the European Council, meeting in Waszawa 2000; Adv. commission on the reform of legal education of Lower Saxony 2001/2; chairman Hanoverian Learned Society for Legal Studies 2004 – 2012; Board of Center for East-West Contacts, Lueneburg 2007 – 2013. Adv. Council Faculty of Law, U Lisbon, Portugal; ext. member of the registry of the Aristotle U of Thessaloniki, Greece; g. Ed. Law Journal of Mykolas Romeris U Vilnius, Lithuania; g. Ed. Law Journal of SYMBIOSIS U, Punay, India; Adv. Board Law Review UiTM, Shah Alam, Malaysia (2014 - 2017), program accreditions in Germany and Russia (2016 - 2020).

Honors

Award on activity in the European program Erasmus Mundus by DAAD at Berlin Academy of Science, 2009.

Hon. Professor Marii Curie Sklodowskiej University (UMCS), Lublin, Poland, October 23rd, 2010

Docteur honoris causa, University of Rouen, France, June 28th, 2013

Scholar of Global Initiative of Academic Networks (GIAN) by Min. of Human Resouce Development of India, September 2017.

Reg. Arbitrator at Thai Arbitration Institut, Bangkok, 2020.

COURSE SYLLABUS
European and Comparative Competition Law
The Law of Market Structure
Prof. Dr. Bernd Oppermann

1. Course Description

Basic understanding of law of market structure and of unfair competition law; introduction into European and national competition procedure including the leniency programs. Comparative research on European Competition Law.

2. Daily course outline

Class 1 Monday, March 15th, 2021

Topic A: personal introduction, general introduction (intro on the course structure, the use of course materials, course content).
Topic B: European competition law as a part of European law; European and national competition law – centralization and de-centralisation. International competition law. TEU and TFEU, competence, conferral, subsidiarity, proportionality, and other principles of European law and its relationship to national law of EU member states; the basic liberties of the EU market, competition and economic policy.
Topic C: Historical remarks and the sources of EU competition law.
Topic D: Economic and legal concepts of competition; market structure; competition theory; the challenges of new products or services on zero-price-markets. Relationship to the law of consumer protection, SME policy, and state aid.

Assigned reading: course script, introductory part, essay on the political content of competition law

Class 2 Tuesday, March 16th, 2021

Topic A: Competition law and cartel law: horizontal trade restraints, concerted practices. The structure of a European statute (Art. 101 TFEU) under the Lisbon Treaty. Leading cases. New challenges by joint ventures and ppp.
Topic B: Legal consequences of Art. 101 in administrative cartel law, criminal law, and private law (some basics in competition procedure).
Topic C: European cartel law: vertical trade restraints, distribution systems, licensing.
Topic D: Exemptions and block exemptions of Art. 101 (1) in European and national cartel law.

Assigned reading: course script, provisions of the Lisbon Treaty (TEU, TFEU), provisions of Reg. 1/2003, more cases on cartels, cases on vertical trade restraints

Class 3 Wednesday, March 17th, 2021

Topic A: The structure of general and specific exemptions of European cartel law.

Topic B: Examples on supply and distribution systems, licensing, franchising. Commission Regulation No. 330/2010. Car distribution and Reg. 461/2010.
Topic C: challenges of technical developments on internet markets and automated driving assistance.
Topic D: EU competition law and EU market law; basic liberties of the European market; the European jurisdiction on the prohibition of measures having equivalent effect (Cassis / Keck); case studies. Again: the manifold role of state power; state aid, state enterprises, ppp.

Assigned reading: course script, Reg. 330/2010, more cases on vertical trade restraints, cases on the Cassis jurisdiction

Class 4 Thursday, March 18th, 2021

Topic A: Antitrust law; merger and acquisition control in European competition law. History, systematics, principles. The SIEC test. Relationship to national law of concentration. Again joint ventures. Other details. Music marketing and navigation systems for examples.
Topic B: Introduction on Art. 102 and the concepts of market dominance. General clause and qualification.
Topic C: Leading cases on abuse market dominance. Finding a path through the case law.
Topic D: More details on market dominance case law; basic concepts; predatory pricing, rebates, market squeeze, the rise and fall of the "doctrine of essential facilities", and other examples of case law under Art. 102.

Assigned reading: course script, Reg. 139/2004, cases on concentration control; provisions of the Lisbon Treaty (TEU, TFEU) concerning the abuse of market dominance, the first three cases on abuse.

Class 5 Friday, March 19th, 2021

Topic A: Conceptual differences between Art. 102 and national law of EU member states. Market behaviour under cartel law and unfair competition law.
Topic B: Specific regard on abuse of dominant market power in respect of digital markets: recent European and national cases concerning Microsoft, Google, abuse of Android system, and Facebook.
Topic C: Technical developments in robotics, industry 4.0, and automated driving assistance: possible problems concerning the market structure.
Topic D: Fundamental procedural rights and substantial competition law.
Topic E: Outlook on competition procedure in Europe
Topic F: Leniency programs in Europe and worldwide

Assigned reading: course script, the cases on abuse of market dominance (Art. 102 TFEU); script provisions on cartel procedure.

Final written examination as assigned by the Faculty of Law

CURRICULUM VITAE

(Vicente A. Sanjurjo Rivo)

1.- TÍTULOS ACADÉMICOS

Licenciado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, habiendo realizado los estudios entre los cursos 1989-90 y 1993-1994. Título expedido el 29 de julio de 1994.

Graduado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, a través de la lectura de la memoria de licenciatura el 23 de octubre de 1996, habiendo obtenido la máxima calificación por unanimidad de los miembros del Tribunal.

Doctor en Derecho por la Universidad de Santiago de Compostela tras haber realizado el acto de defensa de la tesis doctoral, bajo la modalidad de doctorado europeo, el 20 de diciembre de 2002, habiendo obtenido la calificación de Sobresaliente cum laude por unanimidad de los miembros del Tribunal. Fecha de expedición del título: 11 de febrero de 2003.

Licenciado en Ciencias Políticas y de la Administración por la Universidad de Santiago de Compostela. Certificación del título expedido el 19 de febrero de 2003.

Diplomado en Docencia Universitaria (13-10-2008) tras acreditar la realización de más de 100 horas de actividades incorporadas al Programa de Formación e Innovación Docente de la USC organizado por el Instituto de Ciencias de la Educación (ICE).

2.- PUBLICACIONES (libros)

a) *Individuales*

Descentralización territorial y bicameralismo: un estudio comparado de las experiencias constituyentes española e italiana, Servicio de Publicacións e Intercambio Científico, Universidade de Santiago de Compostela (edición en formato CD-ROM), Santiago de Compostela, 2002 (ISBN: 84-9750-166-7).

Senado y modelo territorial, Temas del Senado, Secretaría General del Senado, Dirección de Estudios y Documentación, Departamento de Publicaciones, Madrid, 2004 (ISBN: 84-88802-98-6).

Principio de laicidad y símbolos religiosos. El valor del crucifijo, Bosch Editor, Barcelona, 2017 (ISBN:9788494763908).

b) *Colectivos*

Roberto L. Blanco Valdés y Vicente A. Sanjurjo Rivo, «Dov'è la democracia? Il principio democratico fra ordinamento costituzionale spagnolo ed ordinamento europeo (riflessioni)», en *Il Diritto costituzionale comune europeo. Principi e diritti fondamentali,* coordinado por Michele Scudiero, vol. II, t. I, Jovene Editore, Napoli, 2002, pp. 1-30, (ISBN: 88-243-1446-5).

Roberto L. Blanco Valdés y Vicente A. Sanjurjo Rivo, «Per comprendere la transizione politica spagnola (un contributo)», en *Costituzionalismo europeo e transizioni democratiche,* coordinado por Silvio Gambino, Giuffrè Editore, Milano, 2003, pp. 447-465, (ISBN: 88-14-10492-1).

José Julio Fernández Rodríguez y Vicente A. Sanjurjo Rivo, «Las competencias de la comunidad autónoma de Galicia: perspectivas de reforma», en *Repensando o autogoberno: Estudos sobre a reforma do estatuto de Galicia,* coordinado por Xosé Antón Sarmiento Méndez, Servizo de Publicacións da Universidade de Vigo, Vigo, 2005, pp. 181-216, (ISBN: 84-8158-288-3).

Vicente A. Sanjurjo Rivo, «¿Por qué es difícil reformar nuestro Senado?», en *El Estado Autonómico* in fieri. *La Reforma de los Estatutos de Autonomía,* coordinado por Manuel José Terol Becerra, Instituto Andaluz de Administración Pública, Sevilla, 2005, pp. 347-365, (ISBN: 84-8333-282-5).

José Julio Fernández Rodríguez y Vicente A. Sanjurjo Rivo, «Acceder o no acceder: ésa es la cuestión», en *Administración electrónica (La ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los Servicios Públicos y los retos jurídicos del e-gobierno en España)*, Lorenzo Cotino Hueso y Julián Valero Torrijos (coords.), Tirant lo Blanch, Valencia, 2010, pp. 263-289, (ISBN: 978-84-9876-997-5).

Vicente A. Sanjurjo Rivo, «Constitutional law», en *Bilingual legal dictionary (english-spanish)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Universidad de Santiago de Compostela, Servicio de Publicaciones e Intercambio Científico, Santiago de Compostela, 2011, pp. 58-73, (ISBN: 978-84-9887-820-2). (Disponible también en http://hdl.handle.net/10347/3599).

Vicente A. Sanjurjo Rivo, «Constitutional law», en *Multilingual legal dictionary (english-spanish-galician)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Meubook, Santiago de Compostela, 2012, pp. 17-22, (ISBN: 978-84-15141-69-3).

Vicente A. Sanjurjo Rivo, «Docencia del futuro, recursos del pasado, y resultados de siempre, o de cuando Bolonia llegó a Santiago», en *El Espacio Europeo de Educación Superior y la educación por competencias,* Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2012, pp. 89-94, (ISBN: 978-84-15524-01-4). También en formato *eBook*, (ISBN-13: 978-84-15524-06-9).

Vicente A. Sanjurjo Rivo, Begoña López Portas y Ana Gude Fernández, «El estudio del Derecho constitucional: un análisis comparativo entre la licenciatura y el grado», en *FECIES 2012*, Loreto Del Río Bermúdez e Inmaculada Teva Álvarez (comps.), Asociación Española de Psicología Conductual (AEPC), Granada, 2012, pp. 1623-1629, (ISBN-13: 978-84-695-6734-0).

Ana Gude Fernández, Begoña López Portas, Vicente A. Sanjurjo Rivo, «La LO 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género: algunas consideraciones desde el punto de vista jurídico-constitucional», en *La violencia de género. Aspectos médico-legales y jurídico-penales,* María Sol Rodríguez Calvo y Fernando Vázquez-Portomeñe Seijas (dirs.); Gumersindo Guinarte Cabada y José Ignacio Muñoz Barús (coords.), 1ª edic., Tirant lo Blanch, Valencia, 2013, pp. 185-213. (ISBN: 978-84-9033-887-2); (ISBN13:9788490338865).

Vicente A. Sanjurjo Rivo, «La utilización de los medios de comunicación como herramienta docente en la enseñanza del derecho constitucional», en *Experiencias e innovación docente en el contexto actual de la docencia universitaria,* Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2014, pp. 191-195, (ISBN: 978-84-15524-14-4). También en formato *eBook*, (ISBN-13: 978-84-15524-15-1).

AAVV, *Vocabulario de Criminología (gallego-español-inglés),* Servicio de Publicaciones e Intercambio Científico de la USC, Santiago de Compostela, 2015, (233 p.) (ISBN: 978-84-16533-45-9).

Ana Gude Fernández y Vicente A. Sanjurjo Rivo, «Los delitos de violencia de género y su marco constitucional», en *Violencia contra la mujer. Manual de Derecho Penal y Procesal Penal. Adaptado a la Ley 1/2015, de reforma del Código Penal,* Fernando Vázquez-Portomeñe Seijas (dir. y coord.), Tirant lo Blanch, Valencia, 2015, pp. 21-39.

Ana Gude Fernández, Vicente A. Sanjurjo Rivo, Begoña López Portas, «Mujer y acción legislativa en la España democrática», en *Construyendo la igualdad: la feminización del derecho privado. Carmona III,* Torres García, T.F. (dir.), Infante Ruiz, F.J., Otero Crespo, M., Rodríguez González, A. (coords.), Tirant lo Blanch, Valencia, 2017, pp. 811-830.

Vicente A. Sanjurjo Rivo, «El Senado en busca de sentido constitucional», en *Las Cortes Generales*, Alejandro Villanueva Turnes (coord.), Universitas, Madrid, 2019, pp. 75-100. (ISBN 978-84-7991-501-8).

3.- PUBLICACIONES (artículos)

«Federalismo y procedimiento legislativo en Alemania: el peculiar caso del *Bundesrat»*, en *Revista de las Cortes Generales*, núm. 40 (1997), pp. 9-37 (ISSN: 0213-0130).

«La Cámara de los Lores: "La persistencia del Antiguo Régimen"», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela*, vol. 6, núm. 1/1997, pp. 197-218 (ISSN: 1132-9947).

«El Parlamento italiano: ¿bicameralismo perfecto o bicameralismo ilusorio?», en Revista Huarte de San Juan de la Facultad de Ciencias Humanas y Sociales de la Universidad Pública de Navarra, núms.3-4/1996-1997, pp. 75-108 (ISSN: 1134-8267).

«Ausencia de modelo territorial y segundas cámaras: los casos de España e Italia», en *Boletín de la Facultad de Derecho de la UNED (Segunda Época),* núm. 22 (2003), pp. 27-53 (ISSN: 1133-1259).

«Interacción entre Política y Derecho en la configuración de las segundas cámaras española e italiana», en *Revista de Derecho de la Universidad Católica del Norte (Chile),* vol. 11, núm. 1/2004, pp. 113-132 (ISSN: 0717-5345).

«Diritto costituzionale e storia del diritto: il Senato nel processo costituente spagnolo ed in quello italiano», en *Politica del diritto,* vol. XXXV, núm. 2/2004, pp. 323-346 (ISBN 88-15-10042-3).

«Nuevas instituciones estatutarias ante una eventual reforma del Estatuto de Autonomía de Galicia», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela,* vol. 17, núm. 2/2008, pp. 171-185 (ISSN 1132-9947).

«La detención de menores inmigrantes no acompañados en la experiencia de los Estados Unidos», en *Revista Española de Derecho Constitucional,* núm. 93 (2011), pp. 107-156 (ISSN: 0211-5743).

«El proceso de Bolonia: mito y realidad», en *Revista Jurídica de Investigación e Innovación Educativa* (REJIE), núm. 5 (2012), pp. 121-146. (ISSN: 1989-8754). Disponible en http://www.eumed.net/rev/rejie

«El nuevo Espacio Europeo de Educación Superior: desafíos e incertidumbres», en *Revista de Derecho UNED (RDUNED),* núm. 10 (2012), pp. 585-609. (ISSN: 1886-9912).

«Estado constitucional y derecho a la libertad religiosa: especial atención a la manifestación de símbolos religiosos en el ámbito educativo», en *Dereito: Revista Xuridica da Universidade de Santiago de Compostela*, vol. 22, núm. Extra (2013), pp. 653-672 (ISSN 1132-9947).

«Una experiencia docente basada en el trabajo cooperativo y noticias de prensa para la enseñanza/aprendizaje del derecho constitucional en grupos reducidos», en *Revista Innovación Docente en Derecho y Empresa,* núm. 2 (2014), pp. 237-246. (ISSN: 2340-0374).

«El via crucis de los menores inmigrantes no acompañados en los Estados Unidos: breve recorrido histórico de su regulación jurídica», en *Revista de Derecho y Ciencia Política. UNMSM,* vol. 71, núm. 1, (2014), pp. 189-242 (ISSN 0034-7949).

«Dos visiones enfrentadas: estado constitucional y multiculturalismo comunitarista con relación al ejercicio del derecho a la libertad religiosa. Algunos supuestos», en *Revista Derecho Público Iberoamericano*, núm. 7 (2015), pp. 61-81.

«Financiación de partidos políticos y transparencia: crónica de una resistencia», en *Estudios penales y criminológicos,* núm. Extra 38 (2018), pp. 443-477.

«O Senado no permanente punto de mira e a súa posible reforma», en *Administración & cidadanía: revista da Escola Galega de Administración Pública,* vol. 14, núm. 1 (2019), pp. 55-74.

4.- ESTANCIAS DE INVESTIGACIÓN

Estancia de investigación realizada en el Departamento de *Organizzazione Aziendale e Amministrazione Pubblica de la Universidad degli Studi della Calabria* (Italia) en el período comprendido entre el 17 de agosto y el 18 de noviembre de 1998.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 4 de octubre y el 24 de noviembre de 2004.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 26 de septiembre y el 29 de octubre de 2005.

Estancia de investigación realizada en la Universidad de Oxford, *The Queen's College* (Reino Unido) durante el período comprendido entre el 18 de noviembre y el 23 de diciembre de 2006.

Estancia de investigación realizada en el Real Colegio Complutense de la Universidad de Harvard (Cambridge, Estados Unidos) durante el período comprendido entre el 19 de noviembre y el 22 de diciembre de 2007.

Estancia de investigación realizada en la *London School of Economics and Political Science* (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Institute of Advanced Legal Studies* de la Universidad de Londres (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Center for Constitutional Studies and Democratic Development* (CCSDD), centro interuniversitario de la Facultad de Derecho de la Universidad de Bolonia (Italia) y del *Bologna Center* de la *Johns Hopkins University,* durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Dipartimento de Scienze Giuridiche "A. Cicu"* de la Universidad de Bolonia (Italia) durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 11 de octubre y el 12 de noviembre de 2010.

MODELOS FEDERAIS E DESAFÍOS AO ESTADO FEDERAL: O PROCESO DE SECESIÓN DE CATALUÑA NO MARCO DA UNIÓN EUROPEA

Vicente A. Sanjurjo Rivo. Prof. Dr. de Dereito Constitucional da Universidade de Santiago de Compostela.

Duración: 10 horas.

Idioma: español.

OBXECTIVOS DO CURSO:

Este curso pretende ofrecer unha formación básica con relación ao federalismo como forma de organización política. Na primeira parte do curso se abordarán as cuestións relacionadas coa teoría xeral do federalismo e mesmo tamén con aspectos históricos relativos á súa orixe e evolución posterior.

Baixo a forma federal se organizan unha grande diversidade de países que, a súa vez, gardan moitas diferenzas entre si dende o punto de vista demográfico, social, económico, cultural, xeopolítico ou de extensión territorial. Sen perder de vista esa gran heteroxeneidade dos países que se organizan de xeito federal, se analizan os elementos comúns a todos eles de orde institucional e funcional e as súas variantes, que a súa vez definen ao federalismo e ás súas distintas modalidades.

Dende o punto de vista metodolóxico, se analizarán ao longo do curso o modo en que eses distintos elementos teóricos e as súas distintas particularidades se plasman no funcionamento dos países que se organizan de xeito federal. Ao respecto, e ante a imposibilidade de abranguer todos os países de corte federal, se reducirá o campo de análise, e por razóns que se xustificarán ao longo do curso, a un grupo de países, sinaladamente, Estados Unidos, Australia, Brasil, México, Alemaña, Bélxica e España.

A globalización leva aparellada a formación e consolidación de organizacións de ámbito supraestatal que pretenden dar resposta aos novos retos que aquela presenta. Aínda que na súa orixe respondeu a outro tipo de necesidades, se analizará a Unión Europea como forma de organización federal difusa, e os problemas de integración que comporta para os países membros que comparten estruturas de tipo federal.

A pesar da súa expansión e do seu éxito como forma de organización política, o federalismo non está exento de riscos. Se estudarán algúns dos máis significativos, e entre eles e de forma moi sinalada, os desafíos nacionalistas á unidade federal. Neste senso, se fará unha pormenorizada análise do caso de Cataluña e o denominado problema catalán.

TEMARIO

I.- Teoría constitucional do federalismo

1.- A natureza do Estado federal
2.- Estado federal, confederación de Estados e Estado rexional
3.- A diversidade de Estados federais

II.- Orixe e expansión do federalismo

1.- A experiencia fundadora: os Estados Unidos de Norteamérica
2.- O federalismo unificador
3.- O federalismo descentralizador

III.- O Estado autonómico español: ¿unha modalidade de Estado federal?

1.- A construcción do Estado autonómico español
2.- O Estado autonómico e os nacionalismos periféricos
3.- En particular, o caso catalán: o proceso soberanista
    3.1.- Antecedentes
    3.2.- A "consulta" de 9 de novembro de 2014
    3.3.- O proceso soberanista tras as eleccións do 27 de setembro de 2015
        a) Declaración de inicio do proceso de independencia aprobada polo Parlamento de Cataluña, de 9 de novembro de 2015
        b) O proceso de construción do Estado catalán
        c) Convocatoria de referendo para 2017
            i) A resposta do Tribunal Constitucional
                - *STC 51/2017, de 10 de maio. Recurso de inconstitucionalidade contra a Lei do Parlamento de Cataluña 4/2010, de 17 de marzo, de consultas populares por vía de referéndum.*
                - *STC 114/2017, de 17 de outubro. Recurso de insconstitucionalidade frente a Lei 19/2017, de 6 de setembro, do referéndum de autodeterminación.*
                - *STC 124/2017, de 8 de novembro. Recurso de inconstitucionalidade respecto da Lei do Parlamento de Cataluña 20/2017, de 8 de setembro, de transitoriedade xurídica e fundacional da República. Nulidade de esta Lei autonómica que pretende «dar forma xurídica, de forma transitoria, aos elementos constitutivos básicos do novo estado» resultante da declaración unilateral de independencia polo Parlamento de Cataluña (STC 114/2017).*

            ii) A resposta do Goberno: Aplicación do artigo 155 CE

BIBLIOGRAFÍA BÁSICA

AJA, E., (2014): *Estado autonómico y reforma federal.* Madrid: Alianza Editorial.

ALBERTINI, M. *et al,* (1979): *Il federalismo*. Bologna: Il Mulino.

BEER, S., (1993): *To Make a Nation. The Rediscovery of American Federalism.* Cambridge-Massachusetts: The Belknap Press of Harvard University Press.

BIRD, R. A., (1986): *Federal Finance in Comparative Perspective*. Toronto: Canadian Tax Foundation.

BLANCO VALDÉS, R. L., (2012): *Los rostros del federalismo*. Madrid: Alianza Editorial.

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DUCHACEK, I., (1987): *Comparative Federalism*. Lanham: University Press of America.

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FLÓREZ TURRADO, F. J., (2012): *¿Hacia un Estado autonómico desconstitucionalizado? El futuro del modelo territorial español en el marco de la integración europea*. Oñati: Instituto Vasco de Administración Pública.

GRIFFITHS, A. Y NERENBERG, K. (eds.), (2002): *Handbook of Federal Countries*. Montreal-Kingston: McGill Queen`s University Press.

HAMILTON, A; MADISON, J. y JAY, J., (1957): *El federalista*. México: FCE.

RUBIO LLORENTE, F., (1993): *La forma del poder*. Madrid: CEC.

TARLTON, CH. D., (1965): «Symmetry and Asymmetry as Elements of Federalism: a Theoretical Speculation», *The Journal of Politics*, 27 (4): 861-874.

TUDELA ARANDA, J. y KNÜPLING, F. (eds.), (2010): *España y modelos de federalismo.* Madrid: Fundación Manuel Giménez Abad, Centro de Estudios Políticos y Consitucionales.

WATTS, R. L., (2006): *Sistemas federales comparados*. Madrid: Marcial Pons.

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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Prof Dr Jaap Willem de Zwaan

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- The Treaty of Lisbon, Towards a more supranational legal order of the European Union, in: Marie-Claire Foblets, Mireille Hildebrandt, Jacques Steenbergen (Editors), Liber Amicorum René Foqué, Larcier – Boom Juridische Uitgevers, 2012, ISBN 978-2-8044-4982-7, pp. 301-319

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- Europa en de Burger, Hoe verder met de Europese Uniesamenwerking? Intreerede De Haagse Hogeschool 24 januari 2013, 56 pagina's, ISBN 978-90-73077-48-5

- The New Institutional Balance of Power in the European Union, in: Which Way Forward, Present Challenges, Strategic Choices and Future Perspectives of the EU, Theseus publication, Fritz Thyssen Stiftung, September 2013, ISBN 978-3-487-14831-1, pp. 32-38

- Europese integratie en de beroepspraktijk, in: C.M.A. van der Meule (Ed.), Onderzoekend op weg, Een essaybundel over opdrachten voor de toekomst, bijdrage aan Liber Rob Brons, ter gelegenheid van zijn afscheid als voorzitter van het College van Bestuur van De Haagse Hogeschool te Den Haag, 2014, De Haagse Hogeschool 2014, ISBN 978-90-73077-53-9, pp. 41-49

- Editorial TEPSA Newsletter (Trans European Policy Studies Association) http://www.tepsa.eu/
  - February 2014: European Union cooperation: The Art of Explaining
  - April 2014: Democracy in the European Union: the importance of the European elections
  - July 2014: TEPSA, new opportunities in spite of setback
  - July 2014: The European Parliament, the winner takes it all (column)
  - September 2014: The neighbouring policy of the European Union: it is Soft Power that is needed
  - November 2014: European Parliament and National Parliaments: partners or competitors?
  - February 2015: Speaking with one voice
  - April 2015: The tragedies in the Mediterranean and the European Neighbourhood Policy
  - July 2015: The Greek people deserves our support.
  - October 2015: Need for Solidarity means 'more Europe'
  - February 2016: Schengen has imploded, how to save Schengen?
  - April 2016: The European Union and the United Kingdom: Brexit? Or United Forward!
  - June 2016: After the Referendum of 23 June ……

- De voortgang van de Europese Integratie, Wisselwerking tussen recht en beleid ('Progress of the European integration process, Interaction between Law and Policy'), valedictory lecture of 14 March 2014 at the Erasmus University Rotterdam, Erasmus Law lectures 35, Boom Juridische Uitgevers 2014, ISBN 978-90-8974-996-3

- The relationship European Union-Russia, A story of missed opportunities, april 2014-edition of the periodical International Affairs (Mezhdunarodnaya Zhizn) of the Russian Ministry of Foreign Affairs in Moscow

- Europese Verkiezingen, Heel belangrijk, Editors Jaap de Zwaan en Chris Aalberts, De Haagse Hogeschool, Lectoraat European Integration, mei 2014, ISBN/EAN 978-90-73077-56-0, 92 pagina's

- Inleiding: de relevantie van de Europese Verkiezingen, in: Europese Verkiezingen, Heel belangrijk, Editors Jaap de Zwaan en Chris Aalberts, De Haagse Hogeschool, Lectoraat European Integration, mei 2014, pagina's 7-8

- De Europese Unie-samenwerking: hoe leggen we het uit?, in: Europese Verkiezingen, Heel belangrijk, Editors Jaap de Zwaan en Chris Aalberts, De Haagse Hogeschool, Lectoraat European Integration, mei 2014, pagina's 31-37

- European Integration and Democracy: A gradual process, with certain limits, contribution to the European Group of Public Law (EGPL) Conference of 13-14 September 2014 in Spetses, Greece, dedicated to 'New Challenges of Democracy/Nouveaux défis à la démocratie' and organised by the European Public Law Organisation (EPLO) in Athens, Greece, European Public Law Series/Bibliothèque de droit public européen, Volume CXVI, EPLO 2015, ISBN 978-618-81949-1-5, pages 219-266

- Governance and Security Issues of the European Union, Challenges Ahead, Editors Jaap de Zwaan, Martijn Lak, Abiola Makinwa, Piet Willems, Asser Press/Springer, 2016 (in process)

- Flexibility, Differentiation and Simplifcation in the European Union: Remedies for the Future?, in: Governance and Security Issues of the European Union, Challenges ahead, Editors Jaap de Zwaan, Martijn Lak, Abiola Makinwa, Piet Willems, Asser Press/Springer, 2016 (in process)

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Universidade de Lisboa, Intensive Course, 22-26 March 2021

ASYLUM AND IMMIGRATION LAW AND POLICY OF THE EUROPEAN UNION

Lectures
Monday 22 March: Introduction
- The Migration problem
- The EU Area of Freedom, Security and Justice
- Legal Framework a. UN Convention of Geneva b. EU Treaties and secondary law c. Charter of Fundamental Rights of the EU
Tuesday 23 March: Movement of Persons/Schengen/Borders and Visa
- Internal Market a. Free movement of Persons: directive 2004/38 b. European Citizenship c. Internal market and Third Country Nationals
- Schengen cooperation
- Border control: internal and external borders
- Visa law and policy
- European Border and Coast Guard (Frontex)
Wednesday 24 March: EU Asylum Law and Policy
- Legal instruments a. Definition b. Responsible Member State (‘Dublin’) c. Procedures d. Reception e. Eurodac

f. Temporary Protection
- Principles: solidarity and burden sharing
- Relocation – Resettlement
- European Asylum Support Office (EASO)
- External relations a. Return and Readmission agreements b. Cooperation with UNHCR and IOM
Thursday 25 March: New Pact on Asylum and Migration
- Communication European Commission 23 September 2020 a. Overall principles: solidarity and responsibility b. Point of departure: most migrants have no right to stay in the EU c. Reception and handling of application for protection require 'flexible' solidarity from all Member States d. Cooperation with third countries
- The eleven implementing proposals
- Decision making process: state of play
- Future perspectives
Friday 26 March: Immigration Law and Policy
- Legal migration: instruments a. Long term residents b. Family reunification c. Work: Blue Card, Single Permit, seasonal workers, intra-corporate transfers, study and research
- Integration
- Combat of Illegal immigration
- External relations a. Return and Readmission agreements b. Cooperation with UNHCR and IOM
Q&A: Questions and Answers

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CURRICULUM VITAE

(Vicente A. Sanjurjo Rivo)

1.- TÍTULOS ACADÉMICOS

Licenciado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, habiendo realizado los estudios entre los cursos 1989-90 y 1993-1994. Título expedido el 29 de julio de 1994.

Graduado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, a través de la lectura de la memoria de licenciatura el 23 de octubre de 1996, habiendo obtenido la máxima calificación por unanimidad de los miembros del Tribunal.

Doctor en Derecho por la Universidad de Santiago de Compostela tras haber realizado el acto de defensa de la tesis doctoral, bajo la modalidad de doctorado europeo, el 20 de diciembre de 2002, habiendo obtenido la calificación de Sobresaliente cum laude por unanimidad de los miembros del Tribunal. Fecha de expedición del título: 11 de febrero de 2003.

Licenciado en Ciencias Políticas y de la Administración por la Universidad de Santiago de Compostela. Certificación del título expedido el 19 de febrero de 2003.

Diplomado en Docencia Universitaria (13-10-2008) tras acreditar la realización de más de 100 horas de actividades incorporadas al Programa de Formación e Innovación Docente de la USC organizado por el Instituto de Ciencias de la Educación (ICE).

2.- PUBLICACIONES (libros)

a) *Individuales*

Descentralización territorial y bicameralismo: un estudio comparado de las experiencias constituyentes española e italiana, Servicio de Publicacións e Intercambio Científico, Universidade de Santiago de Compostela (edición en formato CD-ROM), Santiago de Compostela, 2002 (ISBN: 84-9750-166-7).

Senado y modelo territorial, Temas del Senado, Secretaría General del Senado, Dirección de Estudios y Documentación, Departamento de Publicaciones, Madrid, 2004 (ISBN: 84-88802-98-6).

Principio de laicidad y símbolos religiosos. El valor del crucifijo, Bosch Editor, Barcelona, 2017 (ISBN:9788494763908).

b) *Colectivos*

Roberto L. Blanco Valdés y Vicente A. Sanjurjo Rivo, «Dov'è la democracia? Il principio democratico fra ordinamento costituzionale spagnolo ed ordinamento europeo (riflessioni)», en *Il Diritto costituzionale comune europeo. Principi e diritti fondamentali,* coordinado por Michele Scudiero, vol. II, t. I, Jovene Editore, Napoli, 2002, pp. 1-30, (ISBN: 88-243-1446-5).

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José Julio Fernández Rodríguez y Vicente A. Sanjurjo Rivo, «Las competencias de la comunidad autónoma de Galicia: perspectivas de reforma», en *Repensando o autogoberno: Estudos sobre a reforma do estatuto de Galicia,* coordinado por Xosé Antón Sarmiento Méndez, Servizo de Publicacións da Universidade de Vigo, Vigo, 2005, pp. 181-216, (ISBN: 84-8158-288-3).

Vicente A. Sanjurjo Rivo, «¿Por qué es difícil reformar nuestro Senado?», en *El Estado Autonómico* in fieri. *La Reforma de los Estatutos de Autonomía,* coordinado por Manuel José Terol Becerra, Instituto Andaluz de Administración Pública, Sevilla, 2005, pp. 347-365, (ISBN: 84-8333-282-5).

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Vicente A. Sanjurjo Rivo, «Constitutional law», en *Bilingual legal dictionary (english-spanish)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Universidad de Santiago de Compostela, Servicio de Publicaciones e Intercambio Científico, Santiago de Compostela, 2011, pp. 58-73, (ISBN: 978-84-9887-820-2). (Disponible también en http://hdl.handle.net/10347/3599).

Vicente A. Sanjurjo Rivo, «Constitutional law», en *Multilingual legal dictionary (english-spanish-galician)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Meubook, Santiago de Compostela, 2012, pp. 17-22, (ISBN: 978-84-15141-69-3).

Vicente A. Sanjurjo Rivo, «Docencia del futuro, recursos del pasado, y resultados de siempre, o de cuando Bolonia llegó a Santiago», en *El Espacio Europeo de Educación Superior y la educación por competencias,* Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2012, pp. 89-94, (ISBN: 978-84-15524-01-4). También en formato *eBook*, (ISBN-13: 978-84-15524-06-9).

Vicente A. Sanjurjo Rivo, Begoña López Portas y Ana Gude Fernández, «El estudio del Derecho constitucional: un análisis comparativo entre la licenciatura y el grado», en *FECIES 2012*, Loreto Del Río Bermúdez e Inmaculada Teva Álvarez (comps.), Asociación Española de Psicología Conductual (AEPC), Granada, 2012, pp. 1623-1629, (ISBN-13: 978-84-695-6734-0).

Ana Gude Fernández, Begoña López Portas, Vicente A. Sanjurjo Rivo, «La LO 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género: algunas consideraciones desde el punto de vista jurídico-constitucional», en *La violencia de género. Aspectos médico-legales y jurídico-penales,* María Sol Rodríguez Calvo y Fernando Vázquez-Portomeñe Seijas (dirs.); Gumersindo Guinarte Cabada y José Ignacio Muñoz Barús (coords.), 1ª edic., Tirant lo Blanch, Valencia, 2013, pp. 185-213. (ISBN: 978-84-9033-887-2); (ISBN13:9788490338865).

Vicente A. Sanjurjo Rivo, «La utilización de los medios de comunicación como herramienta docente en la enseñanza del derecho constitucional», en *Experiencias e innovación docente en el contexto actual de la docencia universitaria,* Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2014, pp. 191-195, (ISBN: 978-84-15524-14-4). También en formato *eBook*, (ISBN-13: 978-84-15524-15-1).

AAVV, *Vocabulario de Criminología (gallego-español-inglés),* Servicio de Publicaciones e Intercambio Científico de la USC, Santiago de Compostela, 2015, (233 p.) (ISBN: 978-84-16533-45-9).

Ana Gude Fernández y Vicente A. Sanjurjo Rivo, «Los delitos de violencia de género y su marco constitucional», en *Violencia contra la mujer. Manual de Derecho Penal y Procesal Penal. Adaptado a la Ley 1/2015, de reforma del Código Penal,* Fernando Vázquez-Portomeñe Seijas (dir. y coord.), Tirant lo Blanch, Valencia, 2015, pp. 21-39.

Ana Gude Fernández, Vicente A. Sanjurjo Rivo, Begoña López Portas, «Mujer y acción legislativa en la España democrática», en *Construyendo la igualdad: la feminización del derecho privado. Carmona III,* Torres García, T.F. (dir.), Infante Ruiz, F.J., Otero Crespo, M., Rodríguez González, A. (coords.), Tirant lo Blanch, Valencia, 2017, pp. 811-830.

Vicente A. Sanjurjo Rivo, «El Senado en busca de sentido constitucional», en *Las Cortes Generales*, Alejandro Villanueva Turnes (coord.), Universitas, Madrid, 2019, pp. 75-100. (ISBN 978-84-7991-501-8).

3.- PUBLICACIONES (artículos)

«Federalismo y procedimiento legislativo en Alemania: el peculiar caso del *Bundesrat»*, en *Revista de las Cortes Generales*, núm. 40 (1997), pp. 9-37 (ISSN: 0213-0130).

«La Cámara de los Lores: "La persistencia del Antiguo Régimen"», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela*, vol. 6, núm. 1/1997, pp. 197-218 (ISSN: 1132-9947).

«El Parlamento italiano: ¿bicameralismo perfecto o bicameralismo ilusorio?», en Revista Huarte de San Juan de la Facultad de Ciencias Humanas y Sociales de la Universidad Pública de Navarra, núms.3-4/1996-1997, pp. 75-108 (ISSN: 1134-8267).

«Ausencia de modelo territorial y segundas cámaras: los casos de España e Italia», en *Boletín de la Facultad de Derecho de la UNED (Segunda Época),* núm. 22 (2003), pp. 27-53 (ISSN: 1133-1259).

«Interacción entre Política y Derecho en la configuración de las segundas cámaras española e italiana», en *Revista de Derecho de la Universidad Católica del Norte (Chile),* vol. 11, núm. 1/2004, pp. 113-132 (ISSN: 0717-5345).

«Diritto costituzionale e storia del diritto: il Senato nel processo costituente spagnolo ed in quello italiano», en *Politica del diritto,* vol. XXXV, núm. 2/2004, pp. 323-346 (ISBN 88-15-10042-3).

«Nuevas instituciones estatutarias ante una eventual reforma del Estatuto de Autonomía de Galicia», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela,* vol. 17, núm. 2/2008, pp. 171-185 (ISSN 1132-9947).

«La detención de menores inmigrantes no acompañados en la experiencia de los Estados Unidos», en *Revista Española de Derecho Constitucional,* núm. 93 (2011), pp. 107-156 (ISSN: 0211-5743).

«El proceso de Bolonia: mito y realidad», en *Revista Jurídica de Investigación e Innovación Educativa* (REJIE), núm. 5 (2012), pp. 121-146. (ISSN: 1989-8754). Disponible en http://www.eumed.net/rev/rejie

«El nuevo Espacio Europeo de Educación Superior: desafíos e incertidumbres», en *Revista de Derecho UNED (RDUNED),* núm. 10 (2012), pp. 585-609. (ISSN: 1886-9912).

«Estado constitucional y derecho a la libertad religiosa: especial atención a la manifestación de símbolos religiosos en el ámbito educativo», en *Dereito: Revista Xuridica da Universidade de Santiago de Compostela*, vol. 22, núm. Extra (2013), pp. 653-672 (ISSN 1132-9947).

«Una experiencia docente basada en el trabajo cooperativo y noticias de prensa para la enseñanza/aprendizaje del derecho constitucional en grupos reducidos», en *Revista Innovación Docente en Derecho y Empresa,* núm. 2 (2014), pp. 237-246. (ISSN: 2340-0374).

«El via crucis de los menores inmigrantes no acompañados en los Estados Unidos: breve recorrido histórico de su regulación jurídica», en *Revista de Derecho y Ciencia Política. UNMSM,* vol. 71, núm. 1, (2014), pp. 189-242 (ISSN 0034-7949).

«Dos visiones enfrentadas: estado constitucional y multiculturalismo comunitarista con relación al ejercicio del derecho a la libertad religiosa. Algunos supuestos», en *Revista Derecho Público Iberoamericano*, núm. 7 (2015), pp. 61-81.

«Financiación de partidos políticos y transparencia: crónica de una resistencia», en *Estudios penales y criminológicos,* núm. Extra 38 (2018), pp. 443-477.

«O Senado no permanente punto de mira e a súa posible reforma», en *Administración & cidadanía: revista da Escola Galega de Administración Pública,* vol. 14, núm. 1 (2019), pp. 55-74.

4.- ESTANCIAS DE INVESTIGACIÓN

Estancia de investigación realizada en el Departamento de *Organizzazione Aziendale e Amministrazione Pubblica de la Universidad degli Studi della Calabria* (Italia) en el período comprendido entre el 17 de agosto y el 18 de noviembre de 1998.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 4 de octubre y el 24 de noviembre de 2004.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 26 de septiembre y el 29 de octubre de 2005.

Estancia de investigación realizada en la Universidad de Oxford, *The Queen's College* (Reino Unido) durante el período comprendido entre el 18 de noviembre y el 23 de diciembre de 2006.

Estancia de investigación realizada en el Real Colegio Complutense de la Universidad de Harvard (Cambridge, Estados Unidos) durante el período comprendido entre el 19 de noviembre y el 22 de diciembre de 2007.

Estancia de investigación realizada en la *London School of Economics and Political Science* (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Institute of Advanced Legal Studies* de la Universidad de Londres (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Center for Constitutional Studies and Democratic Development* (CCSDD), centro interuniversitario de la Facultad de Derecho de la Universidad de Bolonia (Italia) y del *Bologna Center* de la *Johns Hopkins University,* durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Dipartimento de Scienze Giuridiche "A. Cicu"* de la Universidad de Bolonia (Italia) durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 11 de octubre y el 12 de noviembre de 2010.

FACULDADE DE DIREITO
Universidade de Lisboa

GERI
GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

Intensive Course 2020/2021
Professor Jörn Axel Kämmerer

The European Economic and Monetary Union (EEMU): Background, Structures, Evolution

Syllabus:

(1) The Internal Market as a background: Free movement of capital, freedom of payment
(2) The Treaty of Maastricht and the genesis of the EEMU
(3) The monetary "wing" of the EEMU, its institutions (ECB, ESCB) and their commitment to price stability
(4) The economic "wing" of the EEMU: fiscal guidelines for the Member States
(5) Gaps in, and shortcomings of, the EEMU – Lessons told by the economic and fiscal crisis
(6) Substantive and institutional reinforcement of the EEMU – Is the rule of law being sacrificed to saving the Union?
    - The Fiscal Compact
    - The Stability Mechanisms (EFSF, EFSM, ESM)
    - The Banking Union (SSM, SRM, EDIS)
    - The "Capital Markets Union" and the European System of Financial Supervision (ESFS)
    - The ECB's new purchase programmes

Curriculum studiorum del ProfessorFausto 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, *Primacìa 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:

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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 0re) 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 Curso 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

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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 postivo 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 protecición 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:

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Attività editoriale:

Membro del Comitato di redazione della Rivista KorEuropa

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Partecipazione a progetti di ricerca finanziati

Progetto della Rete italiana dei centri di documentazione europeaper l’anno 2016 “Un mercato unico digitale per l’Europa”

Progetto della Rete italiana dei centri di documentazione europeaper l’anno 2015 “Il nostro mondo, la nostra dignità, il nostro futuro”

Progetto della Rete italiana dei centri di documentazione europeaper 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"

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Collaboratore del Centro di Eccellenza Jean Monnet dell'Università di Granada

Collaboratore della Fondazione Peter Haberle

FACULDADE DE DIREITO
Universidade de Lisboa

SYLLABUS

Intensive course on La Crisis Del Estado de Derecho
Professor Fausto Vecchio

- El artículo 3 TUE y los valores de la EU;

- La crisis constitucional húngara;

- La crisis constitucional polaca;

- Las reacciones de las instituciones europeas.

GERI
GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS
ERASMUS AND INTERNATIONAL RELATIONS OFFICE

Prof. Dr. Jochen Glöckner, LL.M. (USA) 24. Januar 2020

Curriculum Vitae

* 1964

1985 - 1990	Law studies at the Albert-Ludwigs-Universität Freiburg i.Br. and Università degli Studi di Pàdova/Italy.
Oct. 1990 - May 1993	Law Clerk ("Rechtsreferendar") at the Landgericht Freiburg.
Aug. 1993 - May 1994	Master-Program at the College of Law of the State University of Iowa in Iowa City ("LL.M.").
1996	Graduated Dr. iur. at the Albert-Ludwigs-Universität Freiburg i.Br. based on a thesis on Joint and Several Liability for non-identical obligations
Oct. 1995 - May 1996	Attorney-at-law admitted to the bar of Cologne.
June 1996 - April 1997	Assistant at the Universität Konstanz, Special Research Group on „Internationalisation of the Economy".
May 1997 – April 2003	Assistant at the Universität St. Gallen HSG, Institute of European law. Habilitation at the Universität St. Gallen HSG with a thesis on European Unfair Competition law.
2004	Appointment to the Chair for German and European Private and Business Law at the University of Konstanz
since 2005	Judge at the Court of Appeals Karlsruhe
2006 – 2008	Dean of the Faculty of Law at the University of Konstanz
since 2007	Director of the Institute for Construction Law Freiburg e.V. (Institut für Baurecht Freiburg e.V.)
2010 – 2013	Member of the expert group on the reform of construction contract law installed by the Federal Ministry of Justice and Consumer Protection
2014 – 2019	Member of the expert group on the reform of developers' law installed by the Federal Ministry of Justice and Consumer Protection

FDUL – Curso Intensivo 2020/21

"Construction contracts in the system of German Civil law – Archetype or special case for the attribution of risks? An introduction with special regard to the new provisions in the German Civil Code governing construction contracts"

Prof. Dr. *Jochen Glöckner*, LL.M. (USA), Universiy Konstanz, Chair for German and European Private and Business Law; Judge at the Higher Regional Court Karlsruhe

Syllabus

April 19	• Historical development from ancient Roman law to the recent amendments of the German Civil Code (GCC)
	• Construction contracts in legal practice:
	  o established types of construction contracts (secs. 650a, 650p, 650u GCC)
	  o "players"
	  o hardware of institutions: Construction law Senate at Supreme Court; new Construction law chambers and senates at Regional Courts and Courts-of-Appeals
	• Construction contracts and public policy issues
	• Protection of competition and consumers (secs. 650i-o GCC)

April 20	Qualification of construction contracts • Construction contracts as contracts for a work; special problems of architects' contracts and developers' contracts • main differences in comparison with sales contracts and service contracts • Structure of the new provisions in force since January 1st, 2018 • Overview of the new provisions in force since January 1st, 2018
April 21	The risk of completion – What does the contractor owe? • Interpretation of the contract; obligation to achieve result (sec. 631 GCC) • Scope of defence of impossibility, disproportionality (secs. 275 (2), 635 (3) GCC) • Role of the employer with regard to the contractor's performance (sec. 645 GCC) • Remedies for material defects (sec. 634 – 639 GCC)
April 22	The risk arising from the lapse of time – Construction contracts as contracts with an extended period of performance: • Relationship between production and acceptance of work produced (secs. 640, 644, 650g GCC) • Flow of remuneration (sec. 641, 632a GCC) • Employer's right to terminate (secs. 648, 648a, 650h GCC) • Employer's right to amend the object of contract (sec. 650b-d GCC) • Contractor's and employer's securities (sec. 650e, 650f GCC)
April 23	The risk arising from the need of co-ordination – Construction contracts as contracts involving performances of multiple parties: • Types of relations (linear, parallel, circular) • Privity of contract and interdependent contracts; the need for co-ordination • Distinction between duty and mere obligo (secs. 642, 643 GCC) • Legal instruments of co-ordination (secs. 278, 421 ff., 650r GCC)

The lecture will be taught in English language. A full text version of the German Civil Code in English language is available (<https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.pdf>), even if it only reflects the state of the law as of October 1st, 2013.

As for the recent amendments there is no (semi-)official translation available yet. For the courtesy of the participants I made up an excerpt of the German Civil Code relating to the subject-matter of the course containing also a translation of the new provisions.

Recommended preparatory reading:

- *Robbers*, An Introduction to German Law, 7th ed., 2019, parts A., D.I.-III.);
- *Schulte-Nölke*, The New German Law of Obligations: an Introduction, 2002, <http://germanlawarchive.iuscomp.org/?p=357>;
- *Zimmermann*, The New German Law of Obligations. Historical and Comparative Perspectives, 2005, available on Oxford Scholarship Online, DOI:10.1093/acprof:oso/9780199291373.001.0001;
- *Zimmermann*, The German Civil Code and the Development of Private Law in Germany, (2006) Oxford U Comparative L Forum 1, <https://ouclf.law.ox.ac.uk/the-german-civil-code-and-the-development-of-private-law-in-germany/>.

For more specific information it is recommended to use Dannemann/Schulze (eds.), German Civil Code Volume I = Bürgerliches Gesetzbuch (BGB), Books 1-3: §§ 1-1296, 2020.

Rainer Arnold, Dr.Dr.h.c.mult., Professor at the University of Regensburg, in 1979 appointed holder of the Chair of Public Law, in 1999 nominated holder of the Jean Monnet Chair of EU Law and in 2008 holder of the Jean Monnet Chair ad personam „Legal Relations of the EU with Central, Eastern and Southeastern Europe“. Nominated in 2000 hostující professor at the Charles University Prague. Corresponding Member of the Academy of Sciences of Bologna, Membre titulaire de l’Académie internationale de droit comparé, Fellow of the European Law Institute, in 2008 Fernand Braudel Fellow at the European University Institute, Fiesole/Florence, former Visiting Professor at Universities in Europe (Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas), Strasbourg, Toulouse, Rome La Sapienza, Bologna, and other) and in Latin America.

RAINER ARNOLD

Constitutional Justice (CJ) in Europe

19.04.2021 Monday :

Introduction: The notion of Constitutional Justice. The forms of CJ existing in Europe. CJ on a supranational level.

20.04.2021 Tuesday:

The Review of Legislation as the Core Element of CJ.

Historical Developments and Present Day Situation. Rule of Law in a modern perspective. The tension between sovereignty of Parliament and judicial review of legislation. Margin of appreciation of the legislator and constitutional review. The different approaches of UK, France and Germany. The developments of CJ in Central and Eastern Europe.

21.04.2021 Wednesday:

The Judicial Protection of Fundamental Rights – Further Competences of Constitutional Courts

The anthropocentric approach of modern Constitutions. The judicial means to protect Fundamental Rights. The characteristics of individual recourses to the Constitutional Courts for the protection of Fundamental Rights. The diverging systems of judicial protection in Europe. - Controversies of State institutions - federal and regional disputes

22.04.2021 Thursday:

Constitutional Courts, Court of Justice of the EU and European Court of Human Rights: Cooperation and Conflicts

23.04.2020 Friday:

Conclusion and Repetition

General Description of the Intensive Course

Constitutional justice is of main importance for the new constitutionalism in Europe. Constitutional courts interpret constitutions as “living instruments” often in a dynamic way and contribute essentially to the development of constitutional law concepts destined to moderate the political process and to protect the individual by fundamental rights. This active role of constitutional courts corresponds to the new understanding of Rule of Law.

The intensive course analyses the different models of constitutional justice in Europe, gives an insight into the various forms of actions and procedures and includes the international law impact on national constitutional jurisprudence.

Literature:

Constitutional Courts and Ordinary Courts: Cooperation or Conflict? Rainer Arnold, Herbert Roth (Eds.), XVIIth International Congress on European and Comparative Law, Universitätsverlag Regensburg, 2017, 380 p.

Wojciech Sadurski, Constitutional Justice, East and West**:** Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective, 2002

The Finalities of Constitutional Interpretation: Some Reflections, in: European Union's History, Culture and Citizenship, 10th edition, International Conference, Bucharest, C.H. Beck, 2017,p.39 – 48.

The Convergence of the Fundamental Rights Protection in Europe, R. Arnold (ed.),2016, 235 p.

Rule of Law, Human Rights and Judicial Control of Power. Some Reflections from National and International Law, Rainer Arnold/José Ignacio Martínez-Estay (Editors), Springer,2017, 446 p.

https://www.ugr.es/%7Ejmonnet/balaguer/FBC.htm

Redes sociales, compañías tecnológicas y democracia

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:

En el curso se desarrollarán las cuestiones que se plantean actualmente en la relación entre redes sociales, compañías tecnológicas y democracia, así como las posibles actuaciones que puedan evitar las disfunciones que están provocando. En la relación entre redes sociales y democracia es necesario considerar un mediador fundamental como son las empresas tecnológicas que gestionan las redes. Las redes sociales no son un fenómeno natural que haya aparecido en los procesos sociales y políticos de manera espontánea. Son el resultado de opciones empresariales que han configurado un modelo de negocio que está basado en atraer la atención del público para optimizar los rendimientos publicitarios mediante la utilización continua de las redes. Este modelo de negocio está provocando problemas importantes en los procesos de comunicación política porque fomenta la fragmentación del espacio público y su radicalización con la finalidad de incrementar el uso de las redes y obtener así más beneficios. A esa finalidad económica se añade un interés político en generar inestabilidad, que debilita a las instituciones democráticas y dificulta el control que deberían realizar esas instituciones sobre las compañías tecnológicas.

Son muchos los ámbitos en los que las redes sociales están generando problemas desde el punto de vista constitucional y democrático. Desde los derechos fundamentales a los procesos electorales, pasando por la configuración misma del orden constitucional, en un contexto en el que las condiciones del espacio y el tiempo se han transformado como consecuencia de la globalización y del desarrollo tecnológico. Nuevas pautas culturales y nuevos paradigmas se están generando y su incidencia sobre el constitucionalismo es muy amplia. Algunos de los cambios que han traído las redes sociales pueden ser estructurales y se mantendrán previsiblemente en el futuro. Otros, sin embargo, pueden considerarse directamente vinculados a los intereses de las compañías tecnológicas y deberían ser objeto de revisión para evitar que conduzcan a una involución democrática. La intervención de los poderes públicos, estatales y supranacionales, es cada vez más necesaria para controlar a estas compañías.

Las medidas que se pueden tomar son muy diversas. Desde reforzar la protección de los derechos fundamentales hasta promover la educación digital de la ciudadanía, pasando por actuaciones destinadas a evitar que las compañías tecnológicas consoliden posiciones de monopolio, así como medidas fiscales y sancionadoras. De particular importancia es la regulación de los procesos electorales para evitar que se sigan produciendo interferencias a través de las noticias falsificadas y por medio de la propaganda subliminal personalizada. El horizonte se va moviendo, en todo caso, a medida que avanza el desarrollo tecnológico y que estas compañías diseñan nuevas estrategias. Por tanto, es necesario tener en cuenta que los riesgos no son solamente los que hoy conocemos sino que habrá que tener una actitud vigilante para evitar que se generen efectos disfuncionales en el futuro. En particular, la crisis sanitaria ha reforzado a las compañías tecnológicas frente a los Estados, dificultando todavía más su control.

Temario:

I.-El contexto de la globalización.

1.-La globalización en el siglo XXI.
2.-La aceleración del tiempo y la ampliación del espacio público.
3.-Agentes globales y Estado.
4.-La ruptura del paradigma constitucional del Estado nacional.
5.-La incidencia de la crisis sanitaria sobre el proceso de globalización

II.-Constitución, democracia y redes sociales.

1.-Constitución y redes sociales.
2.-Procesos democráticos y redes sociales.
3.-Los procesos comunicativos y la construcción del espacio público.
4.-El sustrato previo, globalización y crisis económica.
5.-La fragmentación y la radicalización del espacio público.

III.- Las compañías de internet y redes. Aspectos problemáticos.

1.-Incidencia sobre los derechos fundamentales.
2.-Tendencia al monopolio y afectación de la competencia.
3.-La presión sobre los medios de comunicación tradicionales.
4.-Noticias falsificadas y desinformación.
5.-Perfiles individuales y propaganda subliminal.

IV.-Posibles niveles de actuación.

1.-Compañias globales y poderes estatales.
2.-Agentes externos y grupos organizados internos.
3.-El nivel internacional o global.
4.-El nivel supranacional europeo.
5.-El nivel estatal.

V.-Posibles áreas de actuación

1.-Derechos fundamentales.
2.-Competencia, publicidad y medios de comunicación.
3.-Procesos electorales.
4.-Medidas fiscales.
5.-Sanciones.

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. Además de las referencias doctrinales que siguen en portugués y español, se recomiendan como referencias específicas en inglés los siguientes documentos, igualmente de acceso libre en Internet: *Disinformation and 'fake news': Final Report*. Published on 18 February 2019 by authority of the House of Commons; *Unlocking digital competition. Report of the Digital Competition Expert Panel*, March 2019, Jason Furman and others y *The Cairncross Review. A sustainable future for journalism*, 12 February 2019.

-Balaguer Callejón, Francisco: "Redes sociais, companhias tecnológicas e democracia" *Revista Estudos Institucionais*, v. 6, n. 2, p. 579-599, maio/ago. 2020: https://www.estudosinstitucionais.com/REI/article/view/485

-Balaguer Callejón, Francisco: "Direito Constitucional, Pandemia e Globalização", *Prim@ Facie*, no. 42, set.-dez. 2020: https://periodicos.ufpb.br/index.php/primafacie/article/view/56459

-Balaguer Callejón, Francisco "As duas grandes crises do constitucionalismo diante da globalização no século XXI", *Espaço Jurídico Journal of Law [EJJL]*, 19 (3), 2018, pp. 681-702. https://portalperiodicos.unoesc.edu.br/espacojuridico/article/view/20205

-Balaguer Callejón, Francisco: "Uma Interpretação Constitucional da Crise Econômica" *Revista Direito Público*, No 54 – Nov-Dez/2013: https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2371/1235

-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/publicacións/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

-D'Atena, Antonio, "La conflictividad axiológica de la democracia liberal y el desafío de Internet" *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: https://www.ugr.es/~redce/REDCE30/articulos/01_DATENA.htm

-Frosini, Tommaso Edoardo, "Internet y democracia", *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: https://www.ugr.es/~redce/REDCE30/articulos/03_FROSINI.htm

-Häberle, Peter "El Constitucionalismo Universal Desde las Constituciones Parciales Nacionales e Internacionales. Siete Tesis", *Revista Direito Público*, No 54 – Nov-Dez/2013: https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2363/1219

-Pereira Da Silva, Vasco, "Para un Derecho Administrativo sin Fronteras", *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: https://www.ugr.es/~redce/REDCE30/articulos/04_VASCO.htm

Marine TOULLIER
French Nationality.
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Tél/Fax : (00 33) 2 32 76 98 20

Professional activity

Management

2013 (5 years) **Director of Master** « International and European Law ».

2007 (11 years) **Director of the International Relations** of the Law Faculty (University of Rouen): Management of the relations with the partners universities in Europe and in the world; establishing exchange strategies (both professors/students); activate partnerships, as co-awarding with French speaking countries (Vietnam, Canada, Africa) ; personal management (pedagogical and logistic) of each student going abroad and coming from abroad; leading the service of the International Relations in coordination with administrative services of the University.

Director of the Master "LL. M European Legal Practice". Choice of the subjects taught, of the external interveners; coordination with the European Union and the Erasmus Mundus Consortium (Hanover, Lisbon, Vilnius): selection of excellent students from all over the world, together with our embassies and Campus France; personal management of each student coming or going abroad.

Teaching

In France

2005 (13 years) **Senior Lecturer** at Rouen University.
Major subjects taught: International and European Fundamental Rights and Freedoms (Seminar Master 2nd year), European Protection of Human Rights (Master 1st year), European Union Litigation and European Convention on Human Rights litigation (Master 1st year), Legal Methodology (Master 1st year), Fundamental rights and freedoms (Bachelor).

2004-2003 **Capavocat school**: personal coaching to students for entrance examination to the Parisian Bar.

1998-1996 (2 years) **Paris I Pantheon-Sorbonne University** as Teaching and Research assistant.
Teach to students a reasoning structure, a method of comprehension and argumentation from jurisdictional culture and specific knowledge in Constitutional Law.

Lectures abroad

2018 Nov **Leibniz Universität Hannover, Germany**, 2 courses in English "International protection of Human rights"; Practical workshop: European Court of Human Rights case law study.

2018 April **Facoltà di Giurisprudenza dell'Università di Federico II, Naples, Italy**. Practical seminars of resolution of European Cour of Human Rights law cases through role plays: barrister of the parties, European judge).

2018 March **Faculdade de Direito de Lisboa, Lisbon, Portugal**, teaching in English an intensive course on « Globalisation and International protection of Human Rights » (10 hours on a week basis), experience renewed since 2009 + 2010-2015 "Regional Fundamental Rights Protection: American, African and European systems », (10 hours on a week basis).

2017 July **Facoltà di Giurisprudenza dell'Università di Sassari (and in Nuoro Seat), Sardigna, Italy.** Co-organiser of the Summer school on Human rights + Lectures in Italian, English, French.

2017 April **Facoltà di Giurisprudenza dell'Università di Sassari, Sardigna, Italy**, one month contract as "visiting professor". Lectures in Italian: European convention on Human rights, European Union Law, Human rights Law.

Lectures given in that University and these subjects in the Erasmus framework since 2009.
Nuoro Seat of Sassari University: Conferences on the "violence to women", given for students and training for lawyers since 2014.

2016 July **Leibniz Universität Hannover, Germany**, 3 courses in English: "Effectiveness of the lessons learned from WW2 by the ECourtHR: the example of the control over states' derogation in time of emergency" ; "Human rights' place in globalisation" ; "International protection of Human rights". "The paradox of the right to life: the most important right with a relative protection in the ECHR", Intervention in the congress organised in the occasion of the Erasmus Mundus diploma awarding ceremony 2009-2010.

2016 July **Mykolo Romerio Universiteto**, **Vilnius, Lithuania,** teaching in English, managing the French delegation and participation to the organisation of the « International Human Rights law summer study » (2 weeks) ; experience renewed since July 2009.

2014 (1 month) Scholar of **Erasmus Mundus' Program Battuta**, teaching EU Law, European Law, international, European and French Human rights law, Research methodology, Globalisation, Fez, Marocco.

2012 June **Università Roma 3**, **Italy**, teaching in Italian to PHD students on "I diritti della CEDU nella dottrina e la giurisprudenza francese".

2010 April **Università La Sapienza, Rome, Italy**, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese ».
Università Roma 3, **Italy**, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese » and at the Master students on « Protezione dei diritti in Europa » ;

2009 July **Universidade Católica Portuguesa Lisbon, Portugal**, teaching in English (one week) Summer Academy on « Trafficking in Humans Beings » and "Legal issues on globalisation". Experience renewed since 2007.

2009 June **Università Roma 3**, **Italy**, teaching in Italian to Master students on "La responsabilità da danno ambientale".

2008 (4 months) Scholar of **Erasmus Mundus' Program**, **teaching** in English EU Law, European Law and Environnemental Law at Symbiosis Law College, Pune, **India**.

2007 May **Università Roma 3**, **Italy**, teaching in Italian to Master students on « Dell'Europa del diritto all'Europa dei diritti ».

1999-1995 **Urbino's University and Teramo's University** (Italy): **Teaching** in Italian on French constitutional's justice and Human Rights Law.

Lawyer

2002 (6 months) **Barrister's office** generalist in Paris
Researches, redaction of writ of summons, conclusions, consultations, clients' reception, court proceedings

Court of justice (*Tribunal d'Instance*) of Antony
Following police audiences (Petty offences), civil audiences and private sitting

1999-1995 (4 years) **Jurist/researcher** – Department of Comparative Law of the Italian Constitutional Court, Rome (Italy)
Within the framework of integration of French Law in mechanisms of Italian jurisdictional decisions, analyse the interpretation of legal texts by judges and conditions of their application.

1995 (6 months) **Internship – French Constitutional Council's legal department** (Paris)
Work on case law, doctrine and law's analysis to elaborate a Constitutional Council's international position on freedom of thinking.

1995-1994 Scholarship from the Italian Ministry of Foreign affairs
(1 year) Researches in Italian law for the Italian C.N.R. (National centre for researches).

Languages

Italian : Bilingual
English : Speaking: Excellent ; Writing, Reading, Understanding : Good.
French : Mother tongue

Education

2003 **European Thesis Prize** by **European public law Centre**, (Athens) (recompense one of the best law thesis in Europe)

2002 **French Thesis prize** "*Paul Deschanel" from* French **Chancellery** (rewarding one of the best law thesis in France)

2002 *" Certificat d'aptitude à la profession d'avocat " (C.A.P.A.)* **to** enter the **Parisian bar.**

2001 **PHD in Comparative Law - University Paris I Pantheon-Sorbonne**
Theme: "Resolving conflicts between fundamental Rights in Constitutional comparative Franco-Italian Law" grade: **very honourable and congratulations unanimous jury, allowed to be published and nominated for an award of PhD** (best grade).

1992 **Master 2** Post graduate diploma (D.E.A.) **of Public Comparative law of the European states- University Paris I Pantheon-Sorbonne** (grade: Good-enough).

1991 **Master 2** Post graduate diploma (D.E.A.) **Philosophy of Law - University Paris II Pantheon-Assas** (grade: **Good**)

1991 **Master 2** Post graduate diploma (D.E.A.) **of Doctrines and political philosophy Policies - University Paris I Pantheon-Sorbonne** (grade: Good-enough).

1990 **Master 1** ("*Maîtrise*") **of Public Comparative law** within the framework **Erasmus European programme –** University Paris II Pantheon-Assas and **Bologna** (Italy)

Data processing

Good skills applications such as in Word, Excel, PowerPoint, Access, Outlook.

Publications/Congresses

2018 May Conference at Facultad de derecho, Universidad de Zaragoza, Spain on « the right of housing as a Human right ».

2018 March "Les valeurs par qui le scandale arrive…", sous-titre: L'Union européenne, une communauté fondée effectivement sur des valeurs communes ?, Anthemis s.a. et Éditions Nemesis a.s.b.l., Brussels, Belgium, 2018, p. 101.

2017 "Effectiveness of the lessons learned from WW2 by the European Court of Human Rights: the example of the control over states' derogation in time of emergency", *Journal of International Jurisprudence*, 2017, Volume 3, Issue 1, p. 8-24.

2016 Jan. Conference in Rouen University: "control over the state of emergency by the European Court of Human rights, sufficient bulwark against abuses?

2016 Dec. Conference in Prague in October 2016 "Should Hungary be sanctioned for violating EU's values?".

2014 Dec. Conference at Le Havre University: **«** Globalisation and Fundamental Rights».

2004 **Article** in French: « Le juge administratif suprême face à l'équilibre des formes de commerce », à la Revue *A.J.D.A.*, n°15/2004, 19 April 2004, p. 801-810.

2003 **Article** in French: « Le refoulement des étrangers à la frontière : quoi de neuf ? », *Les Petites affiches*, 23 August 2005.

2001 **Thesis** in French in comparative law – University Paris I Panthéon-Sorbonne.
"La résolution des conflits entre droits fondamentaux en droit constitutionnel comparé franco-italien", 666 p.

1999 **Intervention in Italian** at **Falcone's association conference** on "**fair trial in France**", Palermo.

1998 **Intervention** in Italian at **Italian Senate** on "Sexual exploiting and minors' work : French experience", published in *Rivista dei diritti dell'uomo*, 1998, p. 28-52

1991 Participation to **redaction of French national report** at Xth Conference of the European Constitutional courts on **freedom of thinking** and **freedom of speech**.

Researches

1992 **Thesis** for the **Master** Public Comparative law of the European states - University Paris I
Subject **:** "linguistic minorities' law in Italy" (15,5/20), director F. Moderne

1991 **Thesis** for the **Master** Law philosophy - University Paris II
Subject : "Law and history in Giambattista Vico" (17,5/20), director S. Rials

1992 **Thesis** for the **Master** Political Sciences - University Paris I
Subject : "Poetic politic of Vico" (16/20), director Ph. Raynaud

Translations

1997 Translation of the G. Vassalli's work (president emeritus of the Italian Constitutional court), « State of penal trial in Italy », Librairie de l'Université, 1997, Chène Bourg, 392p.

1991 Translation of the national Italian report - international comparative law association's conference, Athens, 1994 : "Fortune of goods and allowance for board in the divorce by mutual consent", Milano, Giuffrè, p. 73-100

Interests

Lessons and training on brain functioning: to improve it. Travelling : to be in a new environment and understand better the world. Practice sport, especially Breton's dances: to feel well balanced and pleasure. Participate to cultural events: to transcend reality and help me changing it.

Syllabus Intensive Course Prof. Dr. Marine Toullier

Globalisation and international protection of Human rights

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.

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.

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.*

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.

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.

Professor Doutor CLÁUDIO BRANDÃO

(*Curriculum vitae* – **resumo**)

1) Atividades docentes

1.1. Professor do Programa de Pós-graduação em Direito (Mestrado e Doutoramento) da **Pontifícia Universidade Católica de Minas Gerais**.

1.2. Professor Titular da Cátedra de Direito Penal da **Faculdade Damas da Instrução Cristã**.

1.3. Professor Titular da Cátedra de Direito Penal da Faculdade de Direito do Recife – **Universidade Federal de Pernambuco**.

1.4. Professor Visitante, ao abrigo do Gabinete Erasmus, da Faculdade de Direito da **Universidade de Lisboa**, desde 2010, lecionando o seminário *História da Teoria do Crime: da formação da dogmática ao direito constitucional penal.*

1.5. Professor Visitante da Facolta di Giurisprudenza da **Università degli Studi di Roma – Tor Vergata**, desde 2019, lecionando o seminário *Filosofia del Diritto Penale.*

2) Atividades científicas

2.1. Editor-chefe da Revista Internacional *Humanities and Rights Global Network Journal.* ISSN 2675-1038.

2.2. Co-Diretor da Revista Portuguesa *Anuário de História do Direito da* Faculdade de Direito da Universidade de Lisboa. ISSN 2184-7800.

2.3. Membro do Conselho Editorial da Revista Italiana *Diritti Fondamentali*, da Università degli Studi di Cassino. ISSN 2240-9823.

2.4. Editor-chefe da Revista Brasileira *Duc in Altum Cadernos de Direito*. ISSN 2179-507X

2.5. Editor-chefe da Revista Brasileira *Delictae – revista de estudos interdisciplinares sobre o delito*. ISSN 2526-5180.

3) Principais publicações nos anos de 2020 e 2021

3.1. BRANDÃO, C. (2021). "Vitória, Theory of Human Rights". In: Sellers M., Kirste S. (eds) *Encyclopedia of the Philosophy of Law and Social Philosophy* IVR, Springer, Dordrecht. URL: https://doi.org/10.1007/978-94-007-6730-0_835-1

3.2. BRANDÃO, C. (2020). “Diritti umani e corruzione: l’interfaccia tra potere e sviluppo nella Convenzione interamericana contro la corruzione”, *L’ircocervo.* 19(2): 60-69. URL: http://www.lircocervo.it /index/?p=3097

3.3. BRANDÃO, C.; FEITOSA, R. (2020). “Prison by human rights’ lens and COVID 19 pandemic: the Brazilian crisis”, *Humanities and Rights Global Network Journal.* 2(2): 147-163. URL: https://doi.org/10.24861/2675-1038.v2i2.41

3.4. BRANDÃO, C. (2020). “A crise da prisão em três centúrias: um estudo à luz do genesis dos Direitos Humanos”, *Caderno de Relações Internacionais* 11(20): 05-16. URL: http://dx.doi.org/10.22293/2179-1376.v11i20.1254

3.5. BRANDÃO, C. (2020). *Teoria Jurídica do Crime*, 6ª Edição, D’Plácido, Belo Horizonte.

3.6. BRANDÃO, C. (2020). *Lições de História do Direito Canônico e História do Direito em Perspectiva*, 2ª Edição, D’Plácido, Belo Horizonte.

Seminário:

História da Teoria do Crime: *da formação da dogmática ao direito constitucional penal*

Professor Doutor CLÁUDIO BRANDÃO

Programa:

Aula 1 – História e Trajetória do Direito Penal: *linhas mestras.*

a) Sociedades simples e o seu Direito Penal: características e principais sanções.
b) Direito Penal Romano.
c) Direito Penal no Medievo. Características da alta e da baixa Idade Média. O sistema penal da inquisição. Glosadores e Comentaristas.
d) Conclusão da aula: *Comentaristas e formação da primeira parte geral do direito penal. Elementos da trajetória penal e sua utilização hodierna*.

Aula 2 – História e Trajetória do Direito Penal: *iluminismo penal e construção conceitual da dogmática.*

a) Características do Direito e do Direito Penal na Modernidade.
b) O Iluminismo Penal: *postulados, princípios e formação política do princípio da legalidade*.
c) Formação Jurídica do Princípio da Legalidade Penal.
d) Construção da Nomenclatura da Teoria do Crime: *culpa, ilícito e tipo*.
e) Conclusão da aula: *Consequências do iluminismo para o direito penal atual, sua face política e o papel do Princípio da Legalidade.*

Aula 3 – Tipicidade Penal e Antijuridicidade.

a) A tipicidade como conceito equivalente ao crime e como elemento constitutivo do delito.
b) A tipicidade como condição para os elementos da teoria do crime
c) O tipo como continente da ação
d) Tipicidade, antinormatividade e antijuridicidade.
e) Conclusão da aula: *Antinormatividade e bem jurídico.*

Aula 4 – Bem Jurídico.

a) Nascedouro do conceito de bem jurídico: a tese de Johann Birnbaum sobre a necessidade da lesão de direitos.
b) O bem jurídico no positivismo normativo de Binding.
c) O bem jurídico no positivismo sociológico de von Liszt.
d) A construção do bem jurídico a partir do neokantismo.
e) Conclusão da aula: *A função do bem jurídico no direito penal atual.*

Aula 5 – Culpa. Aplicação Constitucional da Teoria do Crime.

a) Trajetória da Culpa: *características do positivismo, do neokantismo e do finalismo*.
b) Concepções Funcionalistas e Finalistas da Culpa.
c) Método Constitucional de Aplicação da Teoria do Crime.
d) Conclusão da aula: *Princípios e valores constitucionais e sua função na aplicação da teoria do crime.*

Bibliografia básica:

ALVES, Sílvia. "A pena de morte no pensamento jurídico setecentista". *História do Direito e do Pensamento Jurídico em Perspectiva* (BRANDÃO, Cláudio; SALDANHA, Nélson: FREITAS, Ricardo, coordenadores). São Paulo:Atlas. 2012.

BRANDÃO, Cláudio. "Culpabilidade: sua análise na dogmática penal e no direito penal brasileiro*". Revista Portuguesa de Ciência Criminal.* Coimbra: Coimbra editora. A.15. N.2. Abril-junho, 2005.

BRANDÃO, Cláudio. *Curso de Direito Penal*. Rio de Janeiro:Forense. 2008.

BRANDÃO, Cláudio; SALDANHA, Nélson: FREITAS, Ricardo (coordenadores). *História do Direito e do Pensamento Jurídico em Perspectiva.* São Paulo:Atlas. 2012.

BRANDÃO, Cláudio. "Inconsciência de antijuridicidade – sua visão na dogmática penal e nos tribunais brasileiros". *Revista da Faculdade de Direito da Universidade de Lisboa.* Coimbra:Cimbra editora. A.XLI. N.1. 2000.

BRANDÃO, Cláudio. "Interpretação constitucional do direito penal". *Portugal, Brasil e o Mundo do Direito.* (Vasco Pereira da Silva e Ingo Wolfgang Sarlett, organizadores). Coimbra:Almedina. 2009.

BRANDÃO, Cláudio. *Tipicidade Penal: dos elementos da dogmática ao giro conceitual do método entimemático*. Coleção: O Tempo e a Norma. Coimbra: Almedina. 2012.

PALMA, Maria Fernanda. *Direito Constitucional Penal.* Coimbra:Almedina. 2011.

Bibliografia complementar:

BIRNBAUM, Johann Michael Franz. "Ueber das Erfordeniss einer Rechtsverletzung zum Begriffe der Verbrechens". *Archiv des Criminalrechts.* Halle:Schwetschte und Sohn. 1934.

DIAS, Augusto Silva. *Delicta in se e delicta mere prohibita.* Coimbra:Coimbra editora. 2008.

FEUERBACH, Paul Johann Anselm Ritter von. *Tratado de Derecho Penal.* Buenos Aires:Hammurabi. 1989.

JESCHESCK, Hans-Heinrich. *Lehrbuch des Strafrechts.* Berlin:Duncker und Humblot. 1988.

KAUFMANN, Arthur. *Schuld und Strafe.* Köln:Heymann. 1983.

LISZT, Franz von. *Lehrbuch des Deutschen Strafrechts.* Berlin u. Leipzig:VWV. 1922.

MENDES, Paulo de Sousa. *O torto intrinsecamente culposo como condição necessária da imputação da pena.* Coimbra:Coimbra. 2007

MEGZER, Edmund. *Strafrecht.* Berlin u. München:Duncker u. Humblot. 1949

MERKEL, Adolf. *Lerhburch des Deutschen Strafrechts*. Goldbach:Keip. 1996.

MIR PUIG, Santiago. "Bien jurídico y bien jurídico penal como límites del *Ius puniendi*". *Estudios Penales y Criminologicos.* Santiago de Compostela: Universidade de Santiago de Compostela. Nº14. Jan-dez. 1991.

MIR PUIG, Santiago. *Derecho Penal. Parte General.* Barcelona:Edição do Autor. 1998.

MOMMSEN, Theodor. *Römisches Strafrechts.* Leipzig:Duncker & Humblot. 1899.

PALMA, Maria Fernanda. *O princípio da desculpa em direito penal.* Coimbra:Almedina. 2005.

PETROCELLI, Biagio. *Principi di Dirito Penale.*Napoli:Eugenio Joveni. 1950.

POLAINO NAVARRETE, Miguel. *Derecho Penal. Modernas bases dogmaticas.* Buenos Aires:Grijley. 2004.

POLAINO NAVARRETE, Miguel. *El injusto tipico en la teoria del delito.* Corrientes:Mave. 2000.

ROXIN, Claus. *Problemas fundamentais de direito penal.* Lisboa:Vega. 1993.

ROXIN, Claus. *Strafrecht Allgemeiner Teil.* München: Beck. 2006.

SABADELL, Ana Lucia. *Tormenta juris permissione.* Rio de Janeiro:Revan. 2006.

TAVARES, Juarez. *Teoria do Injusto Penal.* Belo Horizonte:Del Rey. 2000.

WELZEL, Hans. *Das Deutsche Strafrecht. Eine systematische Darstellung*. Berlin: De Gruyter. 1958.

WELZEL, Hans. *El nuevo sistema del derecho penal.* Montevideo:BdF. 2002.
ZAFFARONI, Eugenio Raúl *et alli. Derecho Penal. Parte General.* Buenos Aires:Ediar. 2002.
ZAFFARONI, Eugenio Raul. *Em torno de la cuestión penal.* Buenos Aires:BdeF. 2005
ZAFFARONI, Eugenio Raul. *Tratado de derecho penal.* T. III. Buenos Aires:Ediar. 1981.

CURRICULUM VITAE

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

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

Institution	University of Hannover
Date	1990
Degree / Diploma obtained	Doctorate (*summa cum laude*)

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

Institution	Judicial Authorities of Lower Saxony / University of Hannover
Date	1976 - 1982
Degree / Diploma obtained	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, Triest, Lissabon, Brno, Bratislava, New Orleans / LA, Groningen, Kyoto / Tokyo

universität innsbruck
Institut für Zivilrecht

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

Erasmus Intensive Course – Law Faculty of Lisbon University

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

Course syllabus

Class 1

Introduction: Differences of national private laws in Europe / legal families / Selected examples from Common Law and Civil Law; the problems of diverging legal rules within the EU (hindrance to the internal market)

Class 2

Approximation of Private Law: Competences of the EU in general (types, exercise); competences executed (to harmonise legal rules); instruments of EU-law (Directives; Regulations)

Class 3

Traditional European Contract Law: Harmonization by directives (Contracts, national and international civil procedure, corporations, conflict of laws); Example: Unfair Contract Terms Directive 93/13/EEC / Consumer Sales Directive

Class 4

A new Strategy: Development, format and functions of the (Draft) Common Frame of Reference/DCFR; Structure and contents of the DCFR; the Four Basic Principles and the General Part of the DCFR; Further concepts: Proposal of a Common European Sales Law (CESL) / Revival: Two new Directives (on Contracts for Online and other Distance Sales of Goods EU 2019/771 and Contracts for the Supply of Digital Content EU 2019/770)

Class 5

Unified EU Principles on Contracts and Tort: DCFR Book IV.A "Sales" and Proposal of Common European Sales Law (CESL) compared to CISG; Principles of European Tort Law (PETL) vs. DCFR Book VI "Noncontractual liability arising out of damage caused to another"

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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, 2nd ed. (2012)

Cafaggi / Muir-Watt (Eds.), Making European Private Law – Governance Design (2008)

Hartkamp/Hondius (Eds), Towards a European civil code, 4th ed. (2011)

Howells/Schulze (Eds), Modernising and Harmonising Consumer Contract Law (2009)

Koziol, Harmonisation and fundamental questions of European Tort Law (2017)

Micklitz, Understanding EU consumer law, 2nd 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, 2nd 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, 2nd ed. (2010)

Russell L. Weaver
3014 Shallcross Way
Louisville, KY 40222
(502) 852-6559 (W)

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 Taught: Administrative Law; Advanced Constitutional Law; Constitutional Law I & II; Comparative Constitutional Law; Criminal Law; Criminal Procedure I & II; First Amendment; Negotiations; Remedies; & Trial Practice.

U.S. 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 (University of Louisville) for Distinguished Service (1998); President's Award (University of Louisville) 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, 2017 & 2018), 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*)

2020: Russell L. Weaver, *Social Media Platforms and Democratic Discourse*, 23 LEWIS & CLAKR L. REV. 1385-1416 (2020).

Russell L. Weaver, *Privacy: The Trans-Atlantic Divide*, MISS. L.J. (2020) (in press).

Russell L. Weaver, *Free Speech in an Internet Era*, 58 LOUISVILLE L. REV. ___ (2020) (in press).

Russell L. Weaver, *Rulemaking in an Internet Era: Dealing with Bots, Trolls & "Form Letters,"* GEORGE MASON L. REV. (2020) (in press).

Russell L. Weaver, *Nationwide Injunctions*, F.I.U. L. REV. (2020) (in press).

Russell L. Weaver, *Introduction: Remedies Discussion Forum*, F.I.U. L. REV. (2020) (in press).

RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES xi-xvi & 1-228 (Carolina Academic Press 2020).

Russell L. Weaver, *Gatekeepers in the Internet Era*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES xi-119-141 (Carolina Academic Press 2020).

Russell L. Weaver & Andras Koltay, *Fake News and Democratic Discourse*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES 143-164 (Carolina Academic Press 2020).

Russell L. Weaver, Duncan Fairgrieve & Andras Koltay, *Privacy: A Post-Snowden Analysis*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES 207-228 (Carolina Academic Press 2019).

Russell L. Weaver & Steven I. Friedland, *Introduction*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE

PERSPECTIVES xi-xvi (Carolina Academic Press 2020).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 1-242 (Carolina Academic Press 2020).

Russell L. Weaver & Andras Koltay, *Remedies for False Speech*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 197-217 (Carolina Academic Press 2019).

Russell L. Weaver, *Remedies for Fake News*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 219-242 (Carolina Academic Press 2019).

Russell L. Weaver & Steven I. Friedland, *Introduction*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES xi-xiv (Carolina Academic Press 2019).

RUSSELL L. WEAVER, THE FIRST AMENDMENT: CASES, PROBLEMS & MATERIALS (6th ed., Carolina Academic Press, 2020) (approximately 20% of this book involved new material and I worked on all of it) (in press)

RUSSELL L. WEAVER, UNDERSTANDING THE FIRST AMENDMENT (7th ed., Carolina Academic Press, 2020) (approximately 20% of this book involved new material) (in press).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN CARDI, REMEDIES: A CONTEMPORARY APPROACH 1-1143 (5th ed. 2020).

2019: RUSSELL L. WEAVER, FROM GUTENBERG TO THE INTERNET: FREE SPEECH, ADVANCING TECHNOLOGY AND THE IMPLICATIONS FOR DEMOCRACY 1-295 (Carolina Academic Press, 2nd ed., 2019).

Russell L. Weaver, *Keynote Address: Fake News - Reflections From History*, 25 Southwestern J. Int'l L. 1-8 (2019).

RUSSELL L. WEAVER, SŹOLÁS-ES VALLÁSSZABADSÁG AZ AMERIKAI EGYESŰLT ÁLLAMOKBAN 1-520 (2019).

Russell L. Weaver, *The Fourth Amendment: History, Purposes & Remedies*, 52

TEXAS TECH L. REV. 127-147 (2019) (published as part of the Texas Tech L. Review's annual criminal law/criminal procedure symposium).

RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING i-xiv & 1-137 (Carolina Academic Press 2019).

Russell L. Weaver, *Chevron Under Siege in the Trump Era: Does It Matter?*, in RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING 115-137 (Carolina Academic Press 2019).

Russell L. Weaver & Duncan Fairgrieve, *Introduction*, in RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING xi-xiv (Carolina Academic Press 2019).

RUSSELL L. WEAVER, JANE REICHEL & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON PRIVACY IN AN INTERNET ERA I-XVII & 1-200 (Carolina Academic Press 2019).

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2020: *The Advice and Consent Clause*, Elon University School of Law (Greensboro, N. Carolina, Jan. 17, 2020).

2019: *Artificial Intelligence & Free Speech*, U. Paris I (Sorbonne) Symposium on Open Government and Digital Issues (Paris, France, Nov. 5, 2019).

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Trans-Atlantic Data Flows, Cyber Security and Privacy Protection, European Law Faculties Association Annual Meeting (Turin, Italy, Apr. 12, 2019).

Defamation: A Half-Century of Change (More or Less), Comparative Defamation and Privacy Law Conference, University of Leeds Faculty of Law (Leeds, England, Apr. 8, 2019).

Social Media Platforms and Democratic Discourse, "Festschrift" in Honor of Professor William Funk, Lewis & Clark Law School (Portland, OR, Apr. 5, 2019).

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The Citizens United Decision, Pepperdine University College of Law (Malibu, California, Jan. 14, 2019).

2018: *Transparency and National Security*, University of Paris I (Sorbonne) (Paris, France, Nov. 13, 2018).

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"Fake News" in a Digital Era, Southeastern Association of Law Schools Annual Meeting (Boca Raton, FL, Aug. 5, 2018).

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2016: *Privacy and Freedom of Expression*, Academic Days on Open Government Issues, University of Paris I (Pantheon - Sorbonne) (Paris, France, Dec. 5, 2016).

Historical Perspectives on the U.S. Constitution, Filson Historical Society (Louisville, KY, Nov. 4, 2016).

Surveillance and Privacy in a Free Society, University of Louisville's Federalist Society's Symposium on NSA Surveillance (Louisville, KY, Nov. 4, 2016).

Governmental Transparency and Openness in a Digital Era: Transparency, Privacy and Democracy, Uppsala University's Transparency in the Future: Swedish Openness 250 Years Conference (Uppsala, Sweden, Oct. 25, 2016).

Media in a Digital Age, Southeastern Association of Law Schools (Amelia Island, FL, Aug. 31, 2016).

Perspectives on Property Remedies, University of Aix-Marseille's conference on property remedies (Aix, France, June 29, 2016).

Comparative Perspectives on Cybersurveillance, Université Paris Dauphine PSL Research University's conference on cybersurveillance (Paris, France, June 16, 2016).

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Citizen Participation and Governmental Transparency, University of Paris I symposium entitled International Symposium on Citizen Participation and Collaboration in Promoting Open Government (Paris, France, Mar. 8, 2016).

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Gouvernment et Transparence, XIIIe Colloque International sur le droit et la gouvernance de la société de l'information le droit d'access a l'information a l'ere du numerique, University of Paris I (Sorbonne) Faculty of Law (Paris, France, Feb. 2, 2016).

The U.S. Legal Education System, Kagawa University Faculty of Law (Jan. 27, 2016).

2015: *The Internet and the Environment*, The Impact of Transparency in International Climate Issues, University of Paris 1 (Pantheon Sorbonne) (Dec. 8, 2015, Paris, France).

Politics and the U.S. Supreme Court, Université Paris Dauphine PSL Research University (Paris, France, Nov. 24, 2015).

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The Philosophical Underpinnings of Free Expression, Southeastern Association of Law Schools' Annual Meeting (Boca Raton, FL, July 27, 2015).

The Internet and Democracy, The Institute for Media Studies (Media Council of Hungary) and Media Studies Research Group (Hungarian Academy of Sciences), symposium on Media Freedom and Regulation in the New Media World (Apr. 24, 2015, Budapest, Hungary).

Governmental Cybersurveillance, Texas Tech University Law Review's Criminal Law Symposium (Apr. 17, 2015, Lubbock, Texas).

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2014: *From Gutenberg to the Internet*, Université Paris Dauphine Faculty of Law (Paris, France, Dec. 3, 2014).

U.S. Public Nuisance Law, Université Aix-Marseille Faculty of Law (Aix, France, Nov. 12 2014).

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Eminent Domain: French and American Perspectives, Université Aix-Marseille Faculty of Law (Aix, France, June 19, 2014).

Renovating Administrative Procedure: Administrative Searches and the Need for Reform, Institutum Iurisprudentiae, Academica Sinica Faculty of Law (Taipei, Taiwan, June 10, 2014).

The Intersection Between Speech and Crime, Luxembourg University Faculty of Law (Luxembourg, May 21, 2014).

The Constitutional Obligation to Comply with Treaties, Mainz Media Institute's Annual Symposium (Mainz, Germany, May 9, 2014).

Defamation and Democracy, University of Melbourne School of Law's symposium on Defamation and Privacy (Apr. 23, 2014, Melbourne, Australia).

Driving While Intexticated, Texas Tech University's Eighth Annual Law Review Symposium (Lubbock, TX, Apr. 5, 2014).

The Clash Between the Free Exercise Clause and Gay-Lesbian Rights, Pepperdine University School of Law (Malibu, CA, Apr. 2, 2014).

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Hate Speech: The Dieudonné Case, University of Paris IX (Paris Dauphine) (Paris, France, February 10, 2014).

2013: *From Gutenberg to the Internet*, Perm State University (Perm, Russia, Oct. 19, 2013).

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2012: *The Supreme Court's Affordable Care Act Decision*, Texas Tech University School of Law (Lubbock, Texas, November 8, 2012).

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2011: *Constitutional Perspectives on the Global Economic Crisis*, University of Montpellier I, Faculty of Law (Montpellier, France, November 24, 2011).

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WikiLeaks and Freedom of Expression, Mainz Media Center's annual media law symposium (Mainz, Germany, Apr. 29, 2011).

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Freedom of Expression and Speech Repression, Istanbul Bar Association (Istanbul, Turkey, Mar. 29, 2011).

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Comparative Research, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, Jan. 7, 2010).

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2009: *Negotiation Techniques in American Culture*, University Paul Valery (Montpellier, France, Nov. 13, 2009).

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The Fourth Amendment, Technology and Privacy, The James Otis Lecture, University of Mississippi School of Law (Oxford, Mississippi, Sept., 2009).

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Holocaust Denial, University of Louisville Federalist Society symposium (Louisville, Kentucky, Feb. 20, 2009).

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2008: *Teaching Constitutional Law*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 31, 2008).

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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).

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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).

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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 21st 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

2017: *Privacy Discussion Forum* (Uppsala University Faculty of Law, Uppsala, Sweden, June 26-27, 2017).

Administrative Law Discussion Forum (Université Paris Dauphine Faculty of Law, Paris, France, June 21-22, 2017).

Free Speech Discussion Forum (Charles Pazmany University Faculty of Law, Budapest, Hungary, June 7-8, 2017).

2016: *Property Remedies Discussion Forum* (U. Aix-Marseille Faculty of Law, Aix en Provence, France, June 28-29, 2016).

Cybersurveillance Discussion Forum (Université Paris Dauphine Faculty of Law, Paris, France, June 15-16, 2016).

Administrative Law Discussion Forum (Luxembourg, June 6, 2016)

2015: *Free Speech Discussion Forum* (University of Louisville School of Law, Louisville, Kentucky, Dec. 2-3, 2015).

Criminal Procedure Discussion Forum (University of Louisville School of Law, Louisville, Kentucky, Dec. 1-2, 2015).

Administrative Law Discussion Forum (University of Luxembourg Faculty of Law, Luxembourg, July 1-2, 2015).

Property Remedies Discussion Forum (University of Aix-Marseille Faculty of

Law, Aix, France, June 28-29, 2016).

Privacy Discussion Forum (University of Paris 1 (Sorbonne), Paris, France, June 27-28, 2015).

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 Gutenburg 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, George (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, & 2012-2016)

-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 (2008-2016)
-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, SEALS (1994-2004)
-Program Chair, SEALS (1993-present)
-Secretary, SEALS (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 (1997-2000)
-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, Kyrghyzstan Constitutional Commission (acting as a legal specialist for CEELI, Bishkek, Kyrghyzstan, 10/16/92-11/2/92)
-Consultant, Cheechi & 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

2018: Visiting Professor, Sorbonne University Abu Dhabi (Abu Dhabi, United Arab Emirates, November, 2018).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, April, 2018).

Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, March, 2018).

Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, March, 2018).

2017: Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Dec., 2017).

Visiting Professor, Goethe University Faculty of Law (Frankfurt, Germany, July, 2017).

Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, April, 2017).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, March, 2017).

Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, February, 2017).

Visiting Professor, Johannes Gutenberg University (Mainz, Germany, January, 2017).

2016: Invited Professor, University of Paris 1 (Pantheon Sorbonne) (Paris, France, April 2016).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, May, 2016).

2015: Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, Apr., 2015).

Invited Professor, Université Paris Dauphine PSL Research University (Paris, France, November, 2015).

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 THE AMERICAN CONSTITUTION
PROFESSOR WEAVER
MAY, 2021

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).

Private Enforcement of EU Competition Law – a preview of the future of civil litigation in the EU?

Miguel Sousa Ferro

17 May
Introduction to EU and national Competition Law
Introduction to the Private Enforcement of EU Competition Law
History and *status quo* of Private Enforcement of Competition Law in the EU
Summary of EU case-law on Private Enforcement of EU Competition Law

18 May
The right to damages and the birth of EU Civil Law?
Which issues are governed by EU and by national law? The difference between the right to damages and its enforcement
Primacy of EU Law and limits thereof
Introduction to the trucks cartel as a case study

19 May
Limitation period: an ocean of controversial issues

20 May
Requirements of liability for infringements of articles 101 and 102 TFEU
On fault
On damages and causality

21 May
Binding effect of public enforcement decisions
Access to evidence

RESUME

PATRICK RYAN HUGG, J.D., LL.M.

Professor of Law Emeritus
Loyola University College of Law
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New Orleans, LA 70118
Telephone (mobile): 504-220-2938
Email: hugg@loyno.edu

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.

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, 2019 - present.

Courses Taught Include:

International Law, 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 (21st Century Legal Education) 239-269 (2014).

Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, in Portugal, Europe and the Gloablization 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, University of Silesia Law Faculty, Katowice, Poland, Fall Semester 2018, taught International Trade Law and Introduction to US Law.

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 five times, in Madrid, Spain (2013), Strasbourg, France (2014) Istanbul, Turkey (2015), Groningen, Netherlands (2016) and Turin, Italy (2019).

Speaker, Program in European Private Law for Postgraduates, Constitutional Pluralism in the European Union, University of Silesia in Katowice, Poland, 2015, and in 2017, 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 21st 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.

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

May 17th to 21st, 2020

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 18th 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, Nay 17th through Friday, May 21st, 2020, in two hour seminar meetings from 4 pm to 6pm. An **optional** extra class session to view the hit movie Runaway Jury will be conducted at 6 p.m. on Friday, May 21st, for interested students.

Daily Topical Schedule:

Monday, May 17th	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, May 18th	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, May 19th	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, May 20th	Private Law, cont'd: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, May 21st	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. 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	*Portuguese start voyages down the west coast of Africa*
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	**America Revolution begins with fighting at Lexington and Concord, Massachusetts**
1776	**Declaration Of Independence** **New (weak) federal government created based on the flawed Articles of Confederation** (1st US attempt at a constitution)

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	**The U.S. Constitution ratified**
1789	George Washington inaugurated as first President of the United States **French Revolution begins**
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	**Louisiana Purchase**
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	**Manifest Destiny** **Telegraph and railroads create a communications revolution**
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 **Civil War begins at Fort Sumter** 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 **Alaska purchased**
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 **Hawaii annexed**
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	**World War I begins the rise of the U.S. as a global power**
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	**Alaska and Hawaii become 49th and 50th U.S. States**
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	**9/11 attacks kill 3000 people; "war on terror" begins.**
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	**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.**
2010	Congresses 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: Switzerland	Examples: USA	Examples: UK, Germany, Spain, Italy
Head of State Any member of government in turn (for one year), no practical importance	The **President** is head of state *and* leader of the government	**Head of State** is a different function than prime minister, it may be a monarch (queen/king) or an elected person
Government: members with	**President** elected by the	**Government** elected by the

equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	people **nominates the ministers** [members of government]	parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
Parliament 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)	**Parliament** elected for a fixed legislative period clear *institutional* separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	**Parliament** elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members *need not be* members of parliament	Government members *need not be* members of parliament	Government members *must be* elected members of parliament
Strong position of the people (frequent referendums on single laws)	**Strong position of the president** (veto)	**Strong position of the political parties**
Laws 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	**Laws** 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)	**Laws** 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.

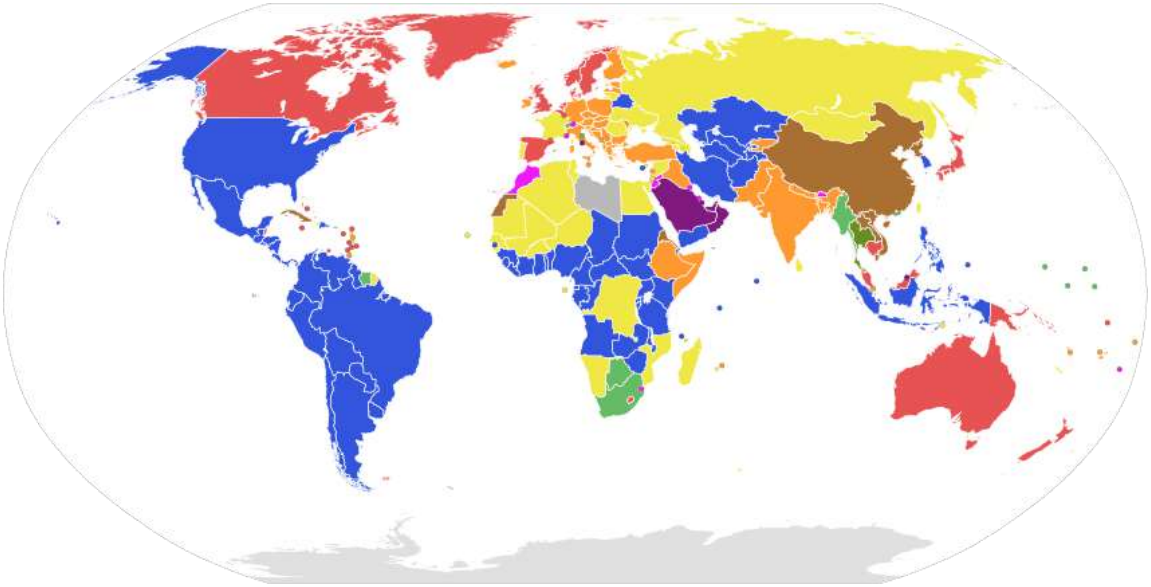
The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature 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 twoYears;

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

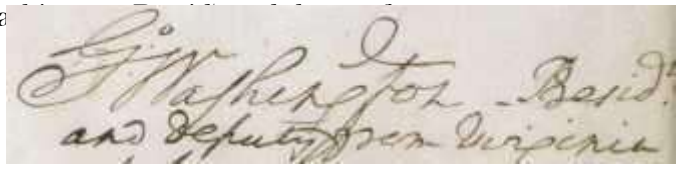
2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, . . .

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 theTwelfth In witness whereof We have hereunto subscribed our Names,

Attest William Jackson Secretary

G°: Wa



Virginia

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.

Russell L. Weaver
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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 Taught: Administrative Law; Advanced Constitutional Law; Constitutional Law I & II; Comparative Constitutional Law; Criminal Law; Criminal Procedure I & II; First Amendment; Negotiations; Remedies; & Trial Practice.

U.S. 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 (University of Louisville) for Distinguished Service (1998); President's Award (University of Louisville) 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, 2017 & 2018), 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.

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2016: *Privacy and Freedom of Expression*, Academic Days on Open Government Issues, University of Paris I (Pantheon - Sorbonne) (Paris, France, Dec. 5, 2016).

Historical Perspectives on the U.S. Constitution, Filson Historical Society (Louisville, KY, Nov. 4, 2016).

Surveillance and Privacy in a Free Society, University of Louisville's Federalist Society's Symposium on NSA Surveillance (Louisville, KY, Nov. 4, 2016).

Governmental Transparency and Openness in a Digital Era: Transparency, Privacy and Democracy, Uppsala University's Transparency in the Future: Swedish Openness 250 Years Conference (Uppsala, Sweden, Oct. 25, 2016).

Media in a Digital Age, Southeastern Association of Law Schools (Amelia Island, FL, Aug. 31, 2016).

Perspectives on Property Remedies, University of Aix-Marseille's conference on property remedies (Aix, France, June 29, 2016).

Comparative Perspectives on Cybersurveillance, Université Paris Dauphine PSL Research University's conference on cybersurveillance (Paris, France, June 16, 2016).

Hate Speech: French and American Perspectives, Hungarian Academy of Sciences (Budapest, Hungary, Apr. 28, 2016).

Comparative Perspectives on Hate Speech, Charles Pazmany University (Budapest, Hungary, Apr. 27, 2016).

ADR in the Administrative Context, Université Paris - Dauphine (Paris, France, Mar. 11, 2016).

Citizen Participation and Governmental Transparency, University of Paris I symposium entitled International Symposium on Citizen Participation and Collaboration in Promoting Open Government (Paris, France, Mar. 8, 2016).

Cybersurveillance in a Free Society, Elon University School of Law's Law Review Symposium entitled *Body Cameras, Big Data and Privacy: 21st Century Technology, Cybersecurity & the Fourth Amendment* (Greensboro, N.C., Mar. 4, 2016).

Gouvernment et Transparence, XIIIe Colloque International sur le droit et la gouvernance de la société de l'information le droit d'access a l'information a l'ere du numerique, University of Paris I (Sorbonne) Faculty of Law (Paris, France, Feb. 2, 2016).

The U.S. Legal Education System, Kagawa University Faculty of Law (Jan. 27, 2016).

2015: *The Internet and the Environment*, The Impact of Transparency in International Climate Issues, University of Paris 1 (Pantheon Sorbonne) (Dec. 8, 2015, Paris, France).

Politics and the U.S. Supreme Court, Université Paris Dauphine PSL Research University (Paris, France, Nov. 24, 2015).

Governmental Cyversurveillance in a Free Society, 10th Future Security Conference (Berlin, Germany, September 17, 2015).

The Philosophical Underpinnings of Free Expression, Southeastern Association of Law Schools' Annual Meeting (Boca Raton, FL, July 27, 2015).

The Internet and Democracy, The Institute for Media Studies (Media Council of Hungary) and Media Studies Research Group (Hungarian Academy of Sciences), symposium on Media Freedom and Regulation in the New Media World (Apr. 24, 2015, Budapest, Hungary).

Governmental Cybersurveillance, Texas Tech University Law Review's Criminal Law Symposium (Apr. 17, 2015, Lubbock, Texas).

Governmental Cybersurveillance, U. Aix-Marseille Faculty of Law (Apr. 7, 2015, Aix, France).

The Religion Clauses of the First Amendment, St. Thomas University School of Law (Mar. 31, 2015, Miami, Florida).

Snowden, Transparency, and the U.S. Cybersurveillance Program, University of Paris I's (Sorbonne) symposium on "Freedom of Information, and Governmental Transparency, in the Open Government Era" symposium (March 11, 2015, Paris, France).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, Elon University School of Law (Feb. 16, 2015, Greensboro, N.C.).

"Advice and Consent" in Historical Perspective, Duke L.J.'s Administrative Law "Is the Appointments Process Broken? Insights From Practice, Process & Theory" Symposium (Feb. , Durham, N.C.).

Governmental Cybersurveillance in a Free Society, Washington & Lee University Law Review's "Cybersurvelliance in the Post-Snowden Age" symposium (Jan. 24, 2015, Lexington, VA).

Governmental Cybersurveillance in a Free Society, Washington & Lee University American Public Law Process Program (Jan. 22, 2014, Lexington, VA)

Congress and Transparency, University of Oslo's "Parliaments in the Era of Open Government" symposium (Jan. 15, 2014, Oslo, Norway).

2014: *From Gutenberg to the Internet*, Université Paris Dauphine Faculty of Law (Paris, France, Dec. 3, 2014).

U.S. Public Nuisance Law, Université Aix-Marseille Faculty of Law (Aix, France, Nov. 12 2014).

Free Speech and Democracy in an Internet Era, University of Uppsala Faculty of Law's "Free Speech, the Internet, Privacy and Democracy" symposium (Uppsala, Sweden, Sept. 23, 2014).

N.Y. Times v. Sullivan at Fifty, Southeastern Association of Law Schools' Annual Meeting (Boca Raton, FL, Aug. 1, 2014).

Eminent Domain: French and American Perspectives, Université Aix-Marseille Faculty of Law (Aix, France, June 19, 2014).

Renovating Administrative Procedure: Administrative Searches and the Need for Reform, Institutum Iurisprudentiae, Academica Sinica Faculty of Law (Taipei, Taiwan, June 10, 2014).

The Intersection Between Speech and Crime, Luxembourg University Faculty of Law (Luxembourg, May 21, 2014).

The Constitutional Obligation to Comply with Treaties, Mainz Media Institute's Annual Symposium (Mainz, Germany, May 9, 2014).

Defamation and Democracy, University of Melbourne School of Law's symposium on Defamation and Privacy (Apr. 23, 2014, Melbourne, Australia).

Driving While Intexticated, Texas Tech University's Eighth Annual Law Review Symposium (Lubbock, TX, Apr. 5, 2014).

The Clash Between the Free Exercise Clause and Gay-Lesbian Rights, Pepperdine University School of Law (Malibu, CA, Apr. 2, 2014).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, University of Mississippi College of Law (Oxford, MI, Feb. 17, 2014).

Transparency, Privacy and the Snowden Revelations, University of Paris I (Sorbonne) (Paris, France Feb. 12, 2014).

Hate Speech: The Dieudonné Case, University of Paris IX (Paris Dauphine) (Paris, France, February 10, 2014).

2013: *From Gutenberg to the Internet*, Perm State University (Perm, Russia, Oct. 19, 2013).

U.S. Administrative Law, Perm State University Faculty of Law Symposium (Perm, Russia, Oct. 18, 2013).

Snowden, the NSA and Governmental Surveillance, Florida Coastal School of Law (Jacksonville, FL, Sept. 10, 2013).

Media Convergence, Southeastern Association of Law Schools Annual Meeting (Palm Beach, FL, Aug. 4, 2013).

The Anti-Islamic Videos: The Government's Ability to Control Hate Speech, Mainz Media Institute's Annual Forum (Mainz, Germany, Apr. 26, 2013).

Administrative Searches, Technology & Personal Privacy, College of William & Mary, Marshall-Wythe School of Law, Administrative Law Symposium in Honor of Charles Koch (Williamsburg, VA, Mar. 15, 2012).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, Pepperdine University School of Law (Malibu, California, Feb. 28, 2013).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, Georgia State University College of Law (Atlanta, Georgia, Jan. 16, 2013).

2012: *The Supreme Court's Affordable Care Act Decision*, Texas Tech University School of Law (Lubbock, Texas, November 8, 2012).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, Faulkner University School of Law (Montgomery, Alabama, Nov. 5, 2012).

Holocaust Denial: French and American Perspectives, U. Aix-Marseille (Aix, France, Oct. 11, 2012).

The Conflict Between "Human Dignity" and Freedom of Expression, Southeastern Association of Law School's Annual Meeting (Amelia Island, Florida, July 29, 2012).

Is American Law "Unique?" A Transatlantic Perspective, delivered at the conference on American Contemporary Law: Identity, Mutations & Debates (Paris, France, June 1, 2012).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, U. Paris I (Sorbonne) (Paris, France, May 31, 2012).

Private and Governmental Threats to Internet Freedom, Mainz Media Institute's Annual Forum (Mainz, Germany, Apr. 26, 2012).

The Establishment Clause and Vouchers, Duquesne University School of Law (Pittsburgh, Pennsylvania, Apr. 16, 2012).

From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy, Elon University School of Law (Charlotte, N. Carolina, Feb. 28, 2012).

The Fourth Amendment & Privacy, Texas Tech University School of Law

(Lubbock, Texas, Feb. 27, 2012).

The Law of Private Nuisance in the United States, University of Aix-Marseille Faculty of Law (Aix, France, Feb. 20, 2012).

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 21st 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, July17, 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 21st 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

2017: *Privacy Discussion Forum* (Uppsala University Faculty of Law, Uppsala, Sweden, June 26-27, 2017).

Administrative Law Discussion Forum (Université Paris Dauphine Faculty of Law, Paris, France, June 21-22, 2017).

Free Speech Discussion Forum (Charles Pazmany University Faculty of Law, Budapest, Hungary, June 7-8, 2017).

2016: *Property Remedies Discussion Forum* (U. Aix-Marseille Faculty of Law, Aix en Provence, France, June 28-29, 2016).

Cybersurveillance Discussion Forum (Université Paris Dauphine Faculty of Law, Paris, France, June 15-16, 2016).

Administrative Law Discussion Forum (Luxembourg, June 6, 2016)

2015: *Free Speech Discussion Forum* (University of Louisville School of Law, Louisville, Kentucky, Dec. 2-3, 2015).

Criminal Procedure Discussion Forum (University of Louisville School of Law, Louisville, Kentucky, Dec. 1-2, 2015).

Administrative Law Discussion Forum (University of Luxembourg Faculty of Law, Luxembourg, July 1-2, 2015).

Property Remedies Discussion Forum (University of Aix-Marseille Faculty of

Law, Aix, France, June 28-29, 2016).

Privacy Discussion Forum (University of Paris 1 (Sorbonne), Paris, France, June 27-28, 2015).

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 Gutenburg 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, George (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, & 2012-2016)

-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 (2008-2016)
-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, SEALS (1994-2004)
-Program Chair, SEALS (1993-present)
-Secretary, SEALS (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 (1997-2000)
-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, Kyrghyzstan Constitutional Commission (acting as a legal specialist for CEELI, Bishkek, Kyrghyzstan, 10/16/92-11/2/92)
-Consultant, Cheechi & 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

2018: Visiting Professor, Sorbonne University Abu Dhabi (Abu Dhabi, United Arab Emirates, November, 2018).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, April, 2018).

Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, March, 2018).

Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, March, 2018).

2017: Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Dec., 2017).

Visiting Professor, Goethe University Faculty of Law (Frankfurt, Germany, July, 2017).

Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, April, 2017).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, March, 2017).

Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, February, 2017).

Visiting Professor, Johannes Gutenberg University (Mainz, Germany, January, 2017).

2016: Invited Professor, University of Paris 1 (Pantheon Sorbonne) (Paris, France, April 2016).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, May, 2016).

2015: Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, Apr., 2015).

Invited Professor, Université Paris Dauphine PSL Research University (Paris, France, November, 2015).

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.

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

May 17th to 21st, 2020

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 18th 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, Nay 17th through Friday, May 21st, 2020, in two hour seminar meetings from 4 pm to 6pm. An **optional** extra class session to view the hit movie Runaway Jury will be conducted at 6 p.m. on Friday, May 21st, for interested students.

Daily Topical Schedule:

Monday, May 17th	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, May 18th	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, May 19th	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, May 20th	Private Law, cont'd: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, May 21st	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. 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	*Portuguese start voyages down the west coast of Africa*
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	**America Revolution begins with fighting at Lexington and Concord, Massachusetts**
1776	**Declaration Of Independence** **New (weak) federal government created based on the flawed Articles of Confederation** (1st US attempt at a constitution)

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	**The U.S. Constitution ratified**
1789	George Washington inaugurated as first President of the United States **French Revolution begins**
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	**Louisiana Purchase**
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	**Manifest Destiny** **Telegraph and railroads create a communications revolution**
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 **Civil War begins at Fort Sumter** 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 **Alaska purchased**
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 **Hawaii annexed**
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	**World War I begins the rise of the U.S. as a global power**
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	**Alaska and Hawaii become 49th and 50th U.S. States**
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	**9/11 attacks kill 3000 people; "war on terror" begins.**
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	**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.**
2010	Congresses 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: Switzerland	Examples: USA	Examples: UK, Germany, Spain, Italy
Head of State Any member of government in turn (for one year), no practical importance	The **President** is head of state *and* leader of the government	**Head of State** is a different function than prime minister, it may be a monarch (queen/king) or an elected person
Government: members with	**President** elected by the	**Government** elected by the

equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	people **nominates the ministers** [members of government]	parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
Parliament 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)	**Parliament** elected for a fixed legislative period clear *institutional* separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	**Parliament** elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members *need not be* members of parliament	Government members *need not be* members of parliament	Government members *must be* elected members of parliament
Strong position of the people (frequent referendums on single laws)	**Strong position of the president** (veto)	**Strong position of the political parties**
Laws 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	**Laws** 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)	**Laws** 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.

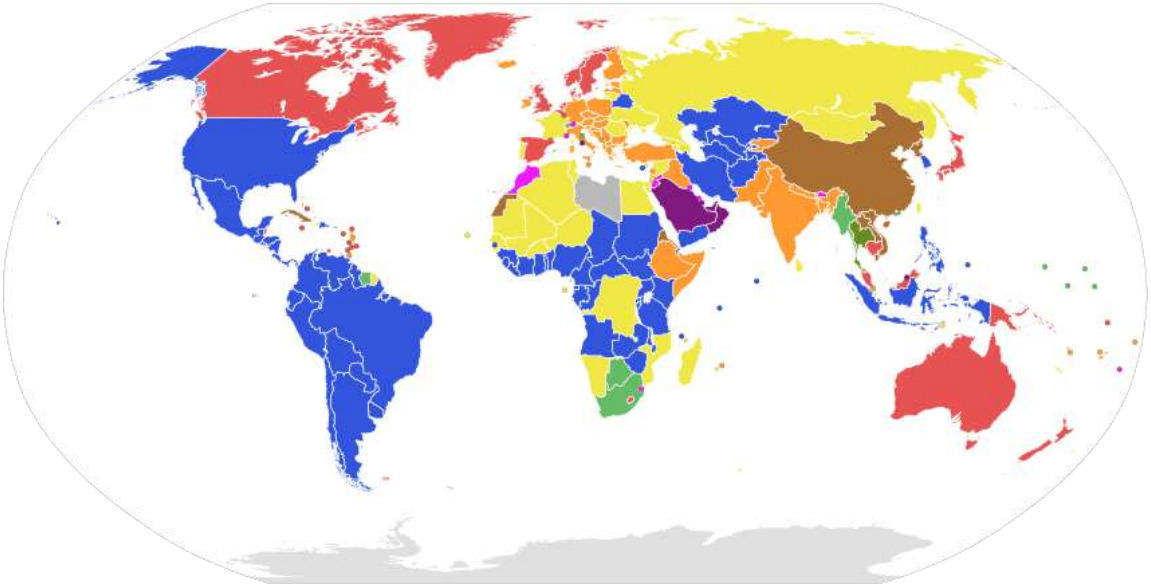
The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature 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 twoYears;

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

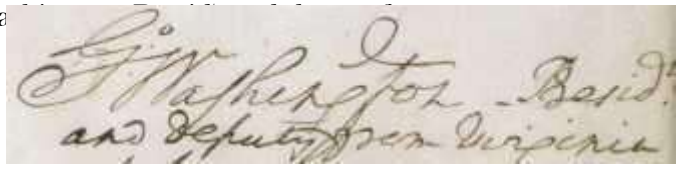
2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, . . .

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 theTwelfth In witness whereof We have hereunto subscribed our Names,

Attest William Jackson Secretary

G°: Wa



Virginia

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.

Dr. Millán Requena Casanova.
CV ABBREVIATED

Updated at 12 July, 2019

 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 Rigths 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 35 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); Dipartamento di Teoria dello Stato - Università La Sapienza (Rome); Institute of Higher International and Development Studies (Geneva); European Parliament (September, 2018).

 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 in *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.**, Investment arbitrations against Spain for cuts to renewable energies: change of trend in the arbitration saga or end of stage after the *Achmea* judgement?, *Revista Aranzadi de Derecho Ambiental*, nº 42 (**2019**), pp. 1-26.

2. **REQUENA CASANOVA, M.**, "The Complex Relationship between Competition Law and Investment Arbitration after *Achmea*: The *Novenergía v. Spain Case*", *European Yearbook of International Economic Law*, (**2019**), (*forthcoming*).

3. **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.

4. **REQUENA CASANOVA, M.**, "Libre circulación de los matrimonios del mismo sexo celebrados en el territorio de la Unión Europea: consecuencias del asunto *Coman y otros*", *Revista de Derecho Comunitario Europeo*, n. 62, enero-abril (**2019**), pp. 41-79. ISSN: 1138-4026. DOI: https://doi.org/10.18042/cepc/rdce.62.02.

5. **REQUENA CASANOVA, M.**, "Minority Treaties Protection in the Interwar Period: its Contribution to Maintain the European order after 1945", in *Europe a Century after the End of the First World War (1918-2018),* Editura Academiei Române (Romanian Academy Publishing), **2018**, pp. 347-365.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

Dr. Millán Requena-Casanova.

Professor in PUBlic International Law and EUROpean Union Law. Jean Monnet Professor of EUROpean Union. University of Alicante (Spain)

SYLLABUS:

Course 2020/2021

Litigation in Economic International Law:

Consent to International Commercial Arbitration & Investment Arbitration

(7th Edition)

24th to 28th May 2021.

From 11:00: AM to 13:00 PM.

Session 1: **Consent in International Commercial Arbitration.**

a) The arbitration agreement; b) The substantive elements of consent to international commercial arbitration (2 hrs).

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 hrs).

Session 3: **Consent in Investment Arbitration.**

a) Conditions Prior to Consent to Arbitration; b) Requirement to exhaust local remedies (2 hrs).

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 (SCC, LCIA, ICC); c) Consent and Most-Favoured Nation Clauses (MFN-Clauses) (2 hrs).

Session 5: **Consent and Arbitral Jurisdiction.**

a) Consent to ICSID Arbitration: Conventional Practice. b) Investor-State dispute settlement mechanisms in European Union FTA´s with third countries (CETA, Singapur, UK negotiations, MERCOSUR). (2 hrs).

Massimo La Torre is Professor of philosophy of law at the University of Catanzaro, Italy, and Visiting Professor of European law at the University of Tallinn, Estonia. He got a Doctorate of Laws at the European University Institute of Florence having previously studied law and political science at the University of Messina and at the School of Advanced International Studies of Johns Hopkins University, Bologna Center. He has practiced as a barrister and acted as secretary at the State Archives in Bologna. He has hold professorial positions at the University of Bologna, at the European University Institute of Florence, at the University of Hull, at the University of Murcia, and at the Carlos III University of Madrid. He has been granted the Alexander von Humboldt Research Award. Among his publications there are: *Law as Institution* (Springer, Berlin 2102), *Legalizzare la tortura? Ascesa e declino dello Stato di diritto* (Il Mulino, Bologna 2013), *Contra la tradición. Perspectivas sobre la naturaleza del Derecho* (Universidad del Externado, Bogotá 2016), *Nostra legge è la libertà. Anarchismo dei Moderni* (DeriveApprodi, Roma 2017). A latest book of his is: *Il diritto contro se stesso* (Olschki, 2020)

University if Lisbon – Law School
Erasmus Intensive Courses

The Good Lawyer. Legal Ethics and the Concept of Law
A Comparative and Jurisprudential Introduction

Lectures Module by Professor Massimo La Torre ("Magna Graecia" University of Catanzaro, Italy, and University of Tallinn, Estonia)

1. The Theatre of Legal Practice. The Stage, the Characters, the Audience

2. Civil Law and Common Law. Two Converging Traditions?

3. Natural Law and Legal Positivism. A Permanent Tension

4. Professional Morality. The Institutional Excuse

5. Which Concept of Law for Which Lawyer?

Recommended readings

a. D. Thunder, "Can a Good Person Be a Lawyer?", *Notre Dame Journal of Law, Ethics & Public Policy*, Vol. 20, 2006
b. St. Pepper, "The Lawyer's Amoral Ethical Role", *American Bar Foundation Research Journal*, 1986
c. G.J. Postema, "Moral Responsibility in Professional Ethics", *New York University Law Review*, Vol. 55, 1980
d. W. Bradley Wendell, "Legal Ethics and the Separation of Law and Morals", *Cornell Law Review*, Vol. 91, 2005-2006
e. M.La Torre, "'Juristas Malos Cristianos'. Abogacia y etica juridica", *Derechos y libertades*, Vol. 8, 2003
f. M. La Torre, *Il giudice, l'avvocato e il concetto di diritto*, Rubbettino, 2012
g. A. Kronman, *The Lost Lawyer, Harvard University Press*, 1998
h. *The Good Lawyer*, ed. by D. Luban, 1983
i. *El buen jurista*, ed. by Cristina Garcia Pascual, Tirant lo Blanc, 2017
j. Daniel Markovits, *A Modern Legal Ethics*, Princeton University Press, 2008
k. W. Bradley Wendell, *Lawyers and Fidelity to Law*, Princeton University Press, 2010