



MUNI
LAW



Changing the Architecture of Separation of Powers without an Architect¹

**Judicial Studies Institute
(Faculty of Law, Masaryk University)**

**Invites you to a final conference of the ERC project JUDI-ARCH
(organized in cooperation with ICON-S CEE Chapter)**

featuring keynote speech by **Rosalind Dixon** on *Responsive Judicial Review*

and distinguished speakers in five more panels

ZOOM EVENT

Date: 21-22 April 2021

Time: Wednesday: 13:00 – 17:30 CEST

Thursday: 08:30 – 12:30 CEST

Location: In order to participate on the event, please register [HERE](#). The registration closes on 19 April 2021. You will then receive a Zoom link for the event.

Explanation: The online conference is a closing event concluding the ERC project on *The Rise of Judicial Self-Government: Changing the Architecture of Separation of Powers without an Architect (JUDI-ARCH)*. The conference revisits the empirical and theoretical findings concerning courts, judicial governance, and separation of powers through the perspective of most recent challenges. Renowned scholars will discuss the role of judicial review in 21st century, fourth branches and the impact of judicial governance on the separation of powers, recent threats of court-packing and their justification, as well as the pressure on checks and balances in the Covid-19 era.

For the full program, see below. It will also be accessible at the JUSTIN [Website](#) as well as [Facebook](#) and [Twitter](#) accounts in the upcoming days.

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Program

Day 1 - Wednesday 21 April

13:00–13:15	Welcome
	David Kosař (Judicial Studies Institute, Masaryk University)
13:15–14:25	Session 1: Author-Meets-the-Reader Session
	Michaela Hailbronner: <i>Institutional Failure on Trial: The Role of Courts in Structural Reform Litigation</i>
	<u>Moderator:</u> David Kosař (Judicial Studies Institute, Masaryk University)
	<u>Speakers:</u> Michaela Hailbronner (Justus Liebig University Giessen)
	<u>Discussants:</u> Eszter Bodnár (Eötvös Loránd University, Faculty of Law) Tom Ginsburg (University of Chicago, The Law School)
14:25-14:45	Break
14:45-15:55	Session 2: Fourth Branches
	<u>Moderator:</u> Katarína Šipulová (Judicial Studies Institute, Masaryk University)
	<u>Speakers:</u> Mark Tushnet (Harvard Law School): <i>A Constitutional Theory for Fourth Branch Institutions</i>
	Tarunabh Khaitan (Vice Dean & Professor of Public Law & Legal Theory, Law Faculty, Oxford + Professor, Melbourne Law School): <i>The Guarantor Branch</i>
	Eoin Carolan (UCD Centre for Constitutional Studies): <i>'Fourth branch' Separation?: Time, Space, Place</i>
	James Fowkes (Professor of Foreign and International Law, University of Münster): <i>What happened in Chapter 9? The South African state institutions supporting democracy</i>
	David Kosař (Judicial Studies Institute, Masaryk University): <i>Judicial Councils: Loudspeakers of Judges or Fourth Branch Institutions?</i>
	<u>Discussant:</u> Nick Barber (University of Oxford, Faculty of Law)
15:55–16:10	Break

16:10-17:20

Session 3: Court Packing

Moderator: Samuel Spáč (Judicial Studies Institute, Masaryk University)

Speakers:

Katarína Šipulová (Judicial Studies Institute, Masaryk University): *Reconceptualizing court-packing: The Riddle of (il)Legitimacy*

Tom Daly (The University of Melbourne, Melbourne School of Government): *Packing the Supreme Court: Insights from Turkey and Argentina in Global Context*

Andrea Castagnola (Universidad Torcuato Di Tella (Argentina)): *Lessons from court-packing in Argentina*

Lech Garlicki (Visiting professor at Washington University in Saint Louis (U.S.) and professor emeritus at the University of Warsaw): *Court-Packing as a Tool of Neutralization and Absorption of the Judicial Branch*

Julio Rios-Figueroa (Instituto Tecnológico Autónomo de México, Department of Law, Mexico City): *Packing the Judiciary: Patronage Networks in the Mexican Federal Judiciary*

Discussant:

Maria Popova (Jean Monnet Chair and Associate Professor, McGill University)

17:20

Closing of Day 1

Day 2 - Thursday 22 April

08:30–9:40

Session 4: Keynote Speech by Rosalind Dixon (UNSW Sydney, Faculty of Law & Justice) on ‘Responsive Judicial Review’

Moderator: David Kosař (Judicial Studies Institute, Masaryk University)

Discussants:

Andreas Føllesdal (PluriCourts, University of Oslo, Faculty of Law)

Silvia Suteu (Lecturer in Public Law at University College London)

9:40–10:00

Break

10:00–11:10

Session 5: Judicial Self-Governance

Moderator: Madalina Moraru (Judicial Studies Institute, Masaryk University)

Speakers:

Pablo Castillo-Ortiz (University of Sheffield, School of Law): *Judicial*

Governance and Democracy in Europe

Cristina Dallara (University of Bologna, Department of Political and Social Sciences): *Limited learning rules. Norms and practices in the Italian High Judicial Council*

Nino Tsereteli (Judicial Studies Institute, Masaryk University): *Elites' Perspectives on Moderate Judicial Councils (France and Poland)*

Adam Blisa & Samuel Spáč (Judicial Studies Institute, Masaryk University): *The Councils Are All Right: Perceptions of Judicial Self-Governance in Italy and Slovakia*

Jan Petrov (Judicial Studies Institute, Masaryk University): *Judicial Self-governance without a Judicial Council: Germany and the Czech Republic*

Silvia von Steinsdorff (Humboldt University, Department of Social Sciences): *Judicial Autonomy under Authoritarian Attack: Patterns of Possible Strategies of Resilience*

Discussants:

Marco Fabri (National Research Council of Italy (CNR), Bologna)

Stefan Voigt (University of Hamburg, Faculty of Law, Institute of Law & Economics (IRÖ))

11:10-11:20

Break

11:20–12:30

Session 6: Schmooze panel on Checks and Balances in the Covid-19 era

Moderator: Jan Petrov (Judicial Studies Institute, Masaryk University)

Speakers:

Matej Avbelj (Professor of European Law, New University, Ljubljana): *The Epidemic between Democracy and Technocracy*

Ittai Bar-Siman-Tov (Bar-Ilan University, Faculty of Law): Covid-19 as a shock to checks and balances system

Armin von Bogdandy (Max Planck Institute for Comparative Public Law and International Law; University in Frankfurt/Main): *The Resistance of the Democratic Rule of Law in Latin America Against the COVID-19 Pandemic. An Ius Commune-Based Approach*

Elena Griglio (Senate of the Italian Republic and LUISS University, Rome): *Changing modes of parliamentary oversight between the pandemic waves*

Mikael Rask Madsen (iCourts, University of Copenhagen): *Testing the*

Rechtsstaat: Covid in Denmark and Strasbourg

Anna Śledzińska-Simon (University of Wrocław, Department of Law, Administration and Economy): Covid 19: Challenging or Changing the Paradigms of Constitutional Law

12:30

Closing of the Conference