

4th IAPL-MPI SUMMER SCHOOL, July 2020

THE INTERPLAY OF GLOBAL TENDENCIES WITH LOCAL TRADITIONS IN PROCEDURAL LAW

I. CALL FOR APPLICATIONS

It is our pleasure to announce the fourth edition of the International Association of Procedural Law (IAPL) – Max Planck Institute Luxembourg (MPI) Summer School, which will take place in Luxembourg from July 27 – 30, 2020.

Up to 20 places will be available for applicants having procedural law and/or dispute resolution mechanisms as their main field of academic interest and meeting the conditions explained below.

Please apply online at: <https://www.mpi.lu/news-and-events/iapl-mpi-summer-school/2020/call-for-applications/>

Deadline for applications: 31 January 2020.

II. INTRODUCTION

1. Background

Under the direction of Professor Eduardo Oteiza (La Plata National University, Argentina) and Professor Burkhard Hess (MPI Luxembourg), the IAPL-MPI Post-Doctoral Summer School aims at bringing together outstanding young post-doc researchers¹ from all geographical origin, dealing with international and comparative procedural law as well as with other relevant dispute mechanisms for civil controversies. The Summer School will allow them to meet and to openly share and discuss their current projects of research with other young colleagues and experienced law professors and practitioners. In this regard, the MPI Luxembourg is one of the most interesting venues in Europe, offering many opportunities for exchanges between procedural theory and practice.

Three editions of the IAPL-MPI Summer School have already taken place at the premises of the MPI in Luxembourg: the first one in 2014, the second in 2016, and the third in 2018.² The success of this experience, crowned by the publication of the collective books *“Procedural Science at the Crossroads of Different Generations”*, *“Approaches to Procedural Law. The Pluralism of Methods”*, and *“Privatizing Dispute Resolution. Trends and Limits”*, has encouraged the organization of a fourth edition in July 2020.

¹ By way of exception, researchers at the very final stage of their Ph.D. project may also be admitted.

² The papers presented at each edition were published in the book series of the Institute, cf. ISBN 978-3-8487-(2497-0; 4309-4; 5908-8).

2. The International Association of Procedural Law

The foundation of the International Association of Procedural Law goes back to the 1950s. Its purpose is to promote the development of the study of procedural law by encouraging the collaboration among lawyers and academics in different countries, the exchange of information on sources, publications, practice and adjudication, and the cooperation with juridical experts in national and international research institutions. To achieve these goals, the Association engages in various activities: it regularly organizes conferences and congresses everywhere in the world; from 2011, it supports the publication of an international journal (the *International Journal of Procedural Law*, published twice a year with contributions in five languages). Next to the awarding of a *Cappelletti Prize* for the best book written by young scholars in the procedural field, the initiative of a post-doc Summer School to be held every two years in cooperation with the Max Planck Institute for Procedural Law implements the wish of the Association to diversify its activities towards worldwide young proceduralists.

3. The Max Planck Institute for Procedural Law

The Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law started its work in fall 2012 at the Kirchberg Plateau. The official inauguration of the Institute took place in May 2013.

The Institute is the only Max Planck Institute on legal matters outside the German borders. The location in Luxembourg is ideal for a Max Planck Institute focusing on procedural law: Luxembourg epitomizes the constant development and expansion of the legal systems of the EU Member States through European law and the jurisprudence of the Court of Justice of the European Union. The MPI has already established a productive dialogue with the European courts and related institutions. Close cooperation with the faculty of law of the University of Luxembourg as well as with other research bodies all over the world is on-going.

Within the MPI, the Department of European and Comparative Civil Procedural Law directed by Prof. Dr. Burkhard Hess addresses the whole range of judicial and extrajudicial settlement of civil law disputes, as well as the differentiation of dispute resolution (e.g., in family law, in consumer protection, and collective redress). As a result of its international composition, this department sees itself first of all as a department for comparative civil procedure law. In addition, there is a particular focus on European civil procedure law. However, the scope of research is much broader and keeps steadily growing: by way of example, researchers investigate the interfaces between the structure of the judiciary (especially questions related to institutional aspects and professional law), or the settlement of disputes (such as the competing influence of private and state actors in the area of arbitration and consumer mediation). Finally, the procedural law of the ECJ and of the other European courts in Luxembourg is of particular importance, especially with regard to the differentiation of the procedures against the background of the different functions of these judicial institutions.

III. HOW THE SUMMER SCHOOL WORKS

1. The philosophy of the School

The main actors of the school are the students who are invited both to present their current topics of research and to discuss them with the other participants actively. The role of the professors is to accompany and encourage students in this endeavor.

The Summer School is building a reputation of outstanding quality, which is mirrored both in the professors invited and the students admitted to participating. In light of this aim, the MPI undertakes a pre-selection among the applications received in due time. The final decision lies with the MPI and the IAPL Presidium.

The organization of the Summer School is an objective and a success on its own, further reflected in the final collection and publication of the presentations in a collective book. In principle, all attendants are asked to contribute to the book; their commitment to comply with this requirement is a condition to be admitted to the School.

2. Sessions and Panels

The Summer School runs for four days and combines the scientific program with leisure activities. The academic program takes place in morning and afternoon sessions, divided into sequenced panels grouping together related topics.

3. Presentation and Discussion

Each participant will be requested to explain his/her research orally for a time not exceeding 20 minutes, with the aid of a PPT if wished.

A participant of the school will be appointed as a respondent (discussant) for each paper, and he/she will be in charge of discussing the main points for 3 to 5 minutes. To facilitate the task of the discussant and for the sake of a consistent debate, papers of **max. 15000** words (including footnotes) must be sent to summer-school@mpi.lu in advance, i.e., three weeks before the school starts at the latest. The papers will be circulated among all the participants.

An open discussion of 15 to 20 minutes will follow after the presentations. All the participants are expected to participate actively, with interventions of 2-3 minutes each.

Each session of the School is chaired by one Professor.

4. The Professors at the School

Emeriti professors as well as active ones, coming from Universities all around the world, are invited to attend the Summer School to guide the young researchers, comment on their projects and advise them on the way forward. In each edition of the Summer School, two main lectures are included on the specific topic of the School. Moreover, all professors are invited to comment on significant works of procedural and comparative law, i.e., selected books, authors, or even grounding events that they consider worth to be read and discussed.

The following professors have agreed to come to the Summer School:

- Prof. Sir William Blair (London)
- Prof. Peter Chan (Hong Kong)
- Prof. Jordi Fenoll (Barcelona)
- Prof. Burkhard Hess (Luxembourg)
- Prof. Richard Marcus (San Francisco)
- Prof. Eduardo Oteiza (La Plata)
- Prof. Marta Requejo Isidro (Luxembourg)
- Prof. Alan Uzelac (Zagreb)
- Prof. Enrique Vallines García (Luxembourg)
- Prof. Hermes Zaneti Jr. (Espírito Santo)

IV. RESEARCH FOCUS

The 4th edition of the Summer School has chosen to explore the topic of “**The interplay of global tendencies with local traditions in procedural law**”. This interplay may be analyzed from different perspectives. First, it addresses the *cross-fertilization in lawmaking processes*, where tools and practices are taken up from other national jurisdictions and supranational legal sources. Examples thereof include procedures aiming at protecting consumer rights, vulnerable populations, or the corporate responsibility for human rights violations. Other macro-perspectival cases of reciprocal procedural influences concern the mechanisms for the selection of judges and, in particular, the tools to safeguard judicial independence adopted by European countries and their impact on other legal systems. Furthermore, the development of rules and case-law to grant courts the possibility to reduce overload and to select cases according to their relevance and general interest may be mentioned.

Furthermore, the interplay can be observed as a *cross-fertilization between regulatory concepts*. For instance, the impact of privatizing dispute resolution and private enforcement on public justice systems or the cross-fertilization between criminal and civil procedures may be addressed.

A more practical oriented perspective refers to the *interaction between different practices* on the local and international levels. On the one hand, this prong of the Summer School shall explore how local procedural traditions operate in transnational practice. Examples include the interpretation and application of EU instruments based on national standards (e.g., the European Payment Order Procedure) or the divergent interpretation of international conventions by national courts (e.g., the New York Convention 1958). On the other hand, this prong also refers to different phenomena of interrelation between procedural practices, such as the reciprocal influence between arbitration and litigation, or the persistence of local traditions in international civil and commercial courts. Other examples to be mentioned are the growing influence of judicial networks and Memoranda of Understanding between courts.

Additionally, the Summer School aims to touch upon the *impact of innovative methods and tools* in procedural law, and in particular, the growing influence of empirical research. Striking examples are provided for by the European Commission for the Efficiency of Justice (CEPEJ), the World Bank, and also the European Commission via the annual EU Justice Scoreboard. Applications on this topic shall address the impacts of these methods and tools on national justice systems.

Finally, the Summer School intends to reflect on the *cultural dimension of litigation and dispute resolution* mechanisms. Notably, this topic focuses on understanding proceedings in their different cultural settings, and on how the role of local culture shapes the approach of both the society and the legislator to procedural law.

Papers submitted to the 2020 Summer School should delve into one or several of these issues.

V. ADMISSION CRITERIA

As in the previous editions, the 2020 IAPL-MPI Summer School is looking for highly qualified candidates, both with respect to their experience and their area of research. **A good level of English, both orally and in writing, is of the essence.** All nationalities are welcome to apply.

The School mainly addresses post-doc students at the beginning of their academic career. Ph.D. candidates may nonetheless be admitted if 1) their dissertation is already at an advanced stage, and 2) the candidate shows a degree of academic maturity guaranteeing that his/her attendance at the school will be fruitful both for him/her and the School itself.

The selection process entails a two-stage process, based on the written materials submitted by the applicants. A pre-selection is made within the MPI among the applications correctly completed and received in due time based on the candidate's CV, his/her topic of research, and his/her explanation of it (interest, methodological approach, novelty). The final decision lies with the MPI and the IAPL Presidium.

Applicants are requested to apply via the website platform set up to this effect. The application form therein provided for has to be completed with the required information, and the following documents have to be uploaded:

- A short curriculum vitae indicating the nationality of the candidate, age and home institution; Ph.D. topic, date/place of submission, degree awarded, members of the jury/commission; recent publications; grants and awards; stays abroad; current position
- A short description of the project of research to be discussed at the School (max. 1000 words)
- A letter of recommendation from a renowned Law Professor or Practitioner

VI. PRACTICAL INFORMATION

1. Venue: The Summer School takes place at the MPI in 4 rue Alphonse Weicker, L-2721 Luxembourg.

2. Funding

A limited number of grants covering travel and accommodation expenses while in Luxembourg will be made available for candidates who do not benefit from any other source of funding.

Students coming to Luxembourg from a non-European country may prolong their stays up to the end of the week and use the MPI library.

3. Travel arrangements/Visas

The MPI undertakes travel and accommodation arrangements of beneficiaries of funding. However, successful applicants shall take care of further administrative requirements by themselves, such as visas and the like.

4. Contact person: Ms. Nicole Trouet, tel. +352 269488 - 203, email summer-school@mpi.lu.