La morphologie des décisions de justice
Morphology of judicial decisions

Luxembourg, 21 & 22 May 2015

Under the patronage of His Excellency, Mr Guy Yelda,
Ambassador of France to Luxembourg
The workshop aims at investigating the mechanism/mechanic of the internal decision making of Constitutional, Supreme and International Courts, in a comparative perspective.

Invited Speakers

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<th>Prof. and Judge Nicole Belloubet – French Constitutional Court</th>
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<td>Judge Mattias Guyomar – French Conseil d’Etat</td>
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<td>Prof. and Judge Lech Garlicki – ECHR and Constitutional Tribunal of Poland</td>
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<td>Prof. Dr. and Judge Gertrude Lübbe-Wolff – German Constitutional Court</td>
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<td>Prof. and Judge Constance Grewe – Constitutional Court of Bosnia and Herzegovina</td>
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<td>Judge Jean-Claude Bonichot – Court of Justice of the European Union</td>
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<td>Prof. Gabrielle Marceau – WTO Dispute Settlement Mechanism</td>
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<td>Sarah Lambrecht – Belgian Constitutional Court</td>
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<td>Prof. Hélène Ruiz Fabri – MPI Luxembourg</td>
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<td>Prof. Jean-Marc Sorel – Sorbonne Law School</td>
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<td>Prof. Lewis Kornhauser – NYU</td>
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<td>Prof. Pasquale Pasquino – EHESS and NYU</td>
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<td>Prof. Hervé Ascensio - Sorbonne Law School</td>
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<td>Prof. Laurence Boisson de Chazournes – University of Geneva</td>
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<td>Prof. Joël Rideau – Université de Nice</td>
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<td>Prof. Matthew Happold – University of Luxembourg</td>
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<td>Prof. Andrea Gattini – University of Padova – Guest at the MPI Luxembourg</td>
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<td>Prof. Lorenzo Gradoni – University of Bologna – Guest at the MPI Luxembourg</td>
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Program

Thursday 21 May

01:00 pm – 02:00 pm    Registration, coffee and pastries

02:00 pm – 02:15 pm    Opening by Professor Hélène Ruiz Fabri,
                       Director of the MPI Luxembourg

02:15 pm – 03:45 pm    Session 1: Preliminary precisions on the mechanism
                       of access to the court and on the caseload
                       Chair: Professor Pasquale Pasquino

→ Identity/nature of the claimants (litigants, citizens, ordinary (non-
  constitutional) or other judges, political actors (a. minority in Parliament, b. 
  President of the republic, c. the government, d. a sub-unity of the federal 
  regime, etc.), States, international bodies, etc.).
→ Does the Court hold the right to initiate its own questions (self-referral?)?
→ Types of conflicts (between norms of different level in the legal hierarchy; 
  between competences/powers of the national/central/European government and 
  sub-units (states, Länder, regions, provinces, etc.); between 
  constitutional/fundamental/human rights and the violation of them by 
  agents/agencies of public authority; between competences of different 
  branches/functions of the central government or the EU.
→ Number of cases per year (received and decided; typology of the cases on the 
  base of the referral).

03:45 pm – 04:00 pm    Break
04:00 pm – 05:30 pm  
**Session 2: Screening/Selection/Filtering of cases (the formal and the material)**  
Chair: Professor and Judge Constance Grewe

→  Does it exist (according to the Statute of the Court, its Rules of procedure or following a practice established by the Court itself)? and is it or not distinguished from admissibility? (Yes in Germany, no in the ECtHR)
→  How does it work?

**Evening program**

06:30 pm  
Reception at the Residence of the French Embassy  
(By invitation only)  
Résidence de l'Ambassade de France à Luxembourg  
21, rue Notre-Dame  
L-2240 Luxembourg

08:30 pm  
Dinner by invitation of “Institut français Luxembourg”  
(Speakers only)
Program

Friday 22 May

09:00 am – 09:30 am  Registration and coffee

09:30 am – 11:00 am  Session 3: The rule for assigning the cases among the judges
                      Chair: Professor Andrea Gattini
                      →  Is it according to the Statute of the Court, its Rules of procedure or following a practice established by the Court itself?
                      →  How does it work?

11:00 am – 11:30 am  Break

11:30 am – 01:00 pm  Session 4: The collective decision making procedure (deliberation), part 1
                      Chair: Professor Jean-Marc Sorel
                      →  Who decides: full court, chambers, division, single judge?
                      →  In which order are things done (oral arguments, vote(s), debates on arguments, etc.)?
                      →  In which language is the deliberation held?
                      →  Is there a registrar/a secretariat and what is his precise role? Do the judges (or the Court) have assistants (law clerks) and what is their precise role?
                      →  Who writes the decision (draft, is there a drafting committee, when are the persons in charge of drafting chosen?)?

01:00 pm – 02:30 pm  Lunch break
02:30 pm – 03:30 pm  **Session 5: The collective decision making procedure (deliberation), part 2**
Chair: Professor Hélène Ruiz Fabri

Are dissenting opinions allowed? Are they communicated before or after the decision is written? Are they anonymous?

Who attends the deliberation? Average length?

In which language are the decisions written? Issued? Are there issues of language and of translation? Is some editorial work done afterwards and by whom?

03:30 pm – 04:00 pm  **Wrap up**

04:00 pm – 04:30 pm  **Refreshment break**
Contact person:
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secretariat-prof.ruizfabri@mpi.lu

Venue:
Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law
4, rue Alphonse Weicker
L-2721 Luxembourg

Conference room 4th floor