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[Home](#) > Conference (Florence, December 13-14, 2010): "Judicial Cooperation among State Courts in Europe and the U.S. (A Comparative Approach)"

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Judicial Cooperation among State Courts in Europe and the U.S.: A Comparative Approach

13-14 December 2010

European University Institute

Badia Fiesolana, Via dei Roccettini 9,

50014 San Domenico di Fiesole, Italy

AGENDA

Monday 13 December 2010

09:00: Welcome from conference organizers

09:15: New Directions in Judicial Cooperation: Instruments of Cooperation

Moderator: Professor Fabrizio Cafaggi

- The initiative of the European Network (Hon. Prof. Dr. Irmgard Griss, President of the Network of the Presidents of the Supreme Judicial Courts of the EU and President of the Supreme Court of Austria)

- The role of the U.S. Conference of Chief Justices of State Supreme Courts (Hon. Christine Durham, Chief Justice of the Supreme Court of Utah and Immediate Past President of the Conference of Chief Justices)

- **Questions and Discussion** from the floor.

11:00: Other models of cooperation

Moderator: Hon. Prof. Dr. Irmgard Griss

- The Role of the European Institutions - **Mr. Fernando Rui Paulino Pereira, Head of Unit, responsible for judicial cooperation in civil and commercial matters, Chair of the Council Working Group on e-Law and e-Justice**

- The ALI and its influence in the context of "soft" law unification ? (Prof. Lance Liebman, of Columbia Law School and Director of the American Law Institute)

- The Role of the Uniform Law Commission - (Hon. Shirley Abrahamson, Chief Justice, Supreme Court of Wisconsin)

- Cooperation between state and federal courts in the U.S. - (Judge Robert Katzmann, U.S. Court of Appeals, for the 2d Circuit)

- **Questions and Discussion** from the floor

13:45: Constitutional and other impediments to judicial cooperation

Moderator: Mr. Ernesto Lupo, First President of the Corte Suprema di Cassazione of Italy

- European perspective ? (The Hon. Mr. Justice John L. Murray, Chief Justice of Ireland)

- U.S. perspective ? (Hon. Margaret Marshall, Chief Justice of the Supreme Judicial Court of Massachusetts)

- **Questions and discussion** from the floor.

15:30: Constitutional and other impediments to judicial cooperation, continued

Moderator: Professor Oscar Chase

- U.S. perspective ? (Prof. Geoffrey Miller, NYU School of Law)

- **Questions and discussion** from the floor.

16:45: Adjournment of Day 1 Session

Tuesday 14 December 2010

09:00: Governance and processes of judicial cooperation; existing and proposed models

Moderator: Mr. Branko Hrvatin, President of the Supreme Court of Croatia

- European experience and perspective ? (Ms Pauliine Koskelo, President of the Supreme Court of Finland)

- U.S. experience and perspective ? (Hon. Wallace B. Jefferson, Chief Justice of the Supreme Court of Texas and President of the Conference of Chief Justices)

- Judicial Cooperation in the U.S.- an historical survey ? (Russell Wheeler, Brookings Institution)

- **Questions and discussion** from the floor

10:45: Cooperation/harmonization imposed by higher authority

Moderator: Professor Troy McKenzie

- International human rights norms:

- European perspective:

The European Court of Justice ? (Mr. Geert Corstens, President of the Supreme Court of the Netherlands)

The European Court of Human Rights ? (Prof. Dr. Klaus Tolksdorf, Präsident des Bundesgerichtshofes, Germany)

- U.S. perspective - (Prof. Burt Neuborne, NYU)

- The U.S. Supreme Court and the doctrine of preemption (Prof. Catherine Sharkey, NYU)

11:45: Concluding Remarks and future directions

Moderator: Hon. Margaret H. Marshall

- Observations by Hon. Jonathan Lippman, Chief Judge of the State of New York

- Observations by Mr. András Baka, President of the Supreme Court and of the National Council of Justice of Hungary

- Comments from the floor

14:00: Adjournment.

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