



Activity Report

2023

JUDICIAL STUDIES INSTITUTE

Masaryk University
Brno



Foreword



Dear friends and colleagues,

The INFINITY project has recently reached its half-time interval. Thirty months into our research into informality, we are thrilled to share with you the most recent achievements of the Judicial Studies Institute.

One of the highlights of our work is the Special Issue on Informal Institutions published in the [German Law Journal \(Vol. 24, Issue 8\)](#). Our heartfelt appreciation goes out to all the contributors and brilliant minds who have played a pivotal role in helping us to push out the boundaries of the judicial studies field and have helped us to understand the workings of courts well beyond the official, formal rules. In the face of the rising populism throughout European countries, a proper understanding of the dynamics between the courts and democratic resilience is more and more important.

Apart from its ideational advancement, the Judicial Studies Institute has grown academically and engaged in two more research projects: TRIAL2 ([TRust, Independence, Impartiality and Accountability of Legal Professionals under the EU Charter](#)), conducted at the Centre for Judicial Cooperation at the European University Institute in Florence, and CoRe ([Beyond Security: Role of Conflict in Resilience-Building](#)), an interdisciplinary grant project led by Charles University's Faculty of Humanities, which focuses on the relationship between resilience and conflict in Czech society, particularly in relation to the war in Ukraine, climate, energy and migration crises.

The new research projects have not only brought exciting international cooperation, but also allowed us to welcome new members on board the team. As usual, the JUSTIN team participated in numerous conferences and events, including a workshop addressing democratic decay and the role of the judiciary organised by Katarína Šipulová and Øyvind Stiansen (University of Oslo) as part of the ECPR Joint Session of Workshops in May 2023 in Toulouse.

Thank you for accompanying us on this journey.

Warmest wishes for summer 2024,

David Kosař & Katarína Šipulová

Co-Directors of JUSTIN

May 2024

2023 Highlights

Moving Forward with the Infinity Project: Special Issue of the German Law Journal

The major part of our research work in the second half of 2023 was devoted to a special issue on Informal Institutions, which maps arenas, dimensions and effects of informality not only on courts, but also on the quality of democracy across European jurisdictions. We are therefore thrilled to announce that the Special Issue entitled “[Informal Judicial Institutions—Invisible Determinants of Democratic Decay](#)” has now been published by the German Law Journal (Vol. 24, No. 8).



The Special Issue consists of 13 single case studies and six cross-cutting pieces, including the conceptual introduction. The last serves as a conceptual umbrella, bringing clarity to the study of informality by distinguishing between informal acts, informal practices and informal institutions. It explains their relationship with judicial conventions and adjacent concepts such as judicial culture. It also shows that informality permeates judicial decision-making as well as judicial governance and the extra-judicial activity of judges. Case studies offer fascinating insights into informal judicial institutions and practices in Belgium, Czechia, England and Wales, Georgia, Germany, Hungary, Ireland, Israel, Italy, Romania, Slovakia, Spain and Ukraine. Cross-cutting articles cover constitutional conventions, the positive effects of informal judicial institutions, the relationship between such institutions and democratic decay (or erosion) and the roles of supranational actors as drivers of formalisation.

The Special Issue identifies four key patterns in the dynamic between formal and informal judicial institutions. First, informal judicial institutions are an important link between the *de jure* and *de facto* performance of courts. Secondly, we observed a strong trend towards the formalisation of informal institutions and practices, irrespective of whether the judiciaries were largely informally governed or the formal rules dominated in the institutional set-up. Thirdly, even though informality has many negative connotations, it can in fact also have many positive effects, particularly by reason of its bottom-up character. Finally, to understand

current constitutional crises and democratic decay it is necessary to take into consideration the presence, operation and consequences of informal judicial institutions and practices.

We are grateful to all the authors who contributed to the Special Issue, and especially to the network of experts in many jurisdictions who broadened our knowledge of informality.

OUR Research Activities

JUSTIN Working Papers & Commentaries - Sharing Ongoing Research!

In 2023, we published ten JUSTIN Working Papers. Our platform is dedicated to presenting continuous research to a global audience. Join us in this initiative! We welcome researchers beyond the JUSTIN community to share with us their valuable work and ideas. Send your manuscript to justin@law.muni.cz – we'd love to feature your insights!



The latest working paper analyses [Gender, Informality and Courts](#) (David Kosař & Marína Urbániková). Others cover [The Evolution and Gestalt of the Czech Constitution](#) (David Kosař & Ladislav Vyhnánek), [Schools and the European Convention on Human Rights](#) (Patrick Leisure) and [Fourth Branch Institutions](#) (Ondřej Kadlec). The [Constitutional Court of the Czech Republic](#) (Ladislav Vyhnánek) delves into the world of constitutional law; it explores the vital role of case law. Another working paper [examines the protection of rights during a global crisis](#), specifically emphasising the COVID-19 pandemic (Ladislav Vyhnánek et al.). The working paper on the [Czech Constitutional Court's limitations on Parliament](#) (Katarína Šipulová & Alžbeta Králová) forms part of a broader monograph on constitutional courts and parliaments. The next part (Etienne Hanelt & Attila Vincze) explore how, as seen in Hungary, [hybrid regimes](#) maintain the appearance of the rule of law by delegating and incentivising control over the judiciary. Another topic covered in the published working paper was [the conceptualisation of](#)

[judicial councils as fourth-branch institutions](#), presenting the most effective shield against the main challenges they confront—corporatism and politicisation (David Kosař, Katarína Šipulová & Ondřej Kadlec). The last working paper was one on [various categories of cases on judicial independence](#) (Attila Vincze).

SELECTED RESEARCH VISITS & SEMINARS

Martin Krygier's Insight into the Rule of Law



We were delighted to host a distinguished guest, **Martin Krygier**, at JUSTIN in October. Martin is the Gordon Samuels Professor of Law and Social Theory at UNSW Sydney and Senior Research Fellow at the Rule of Law Programme, CEU Democracy Institute, Budapest. He honoured us with his expertise in the challenges to the rule of law, notably anti-constitutional populism.

During his visit, Martin introduced us to the foundational concepts of the chapter entitled 'Tempering Power: How to consider, and not consider, the Rule of Law' in his upcoming book. His compelling argument urged us to delve deeper into why the rule of law matters: its purpose beyond its definition and scope. Martin highlighted its positive aspect, illustrating its potential to harness power effectively (captured in the metaphor of 'tempering').

Exploring Interdisciplinary Frontiers: Nuno Garoupa's Visit

In December we had the privilege of hosting **Nuno Garoupa**, a prominent authority in the fields of law and economics. Nuno is a Professor of Law and the Faculty Director of Graduate Studies at the Antonin Scalia Law School, George Mason University (Virginia). He has a long-established research interest in the economics of law and legal institutions, empirical legal studies and comparative judicial politics.

Nuno delved into the intricacies of his first paper, 'Synthetic Control Estimation: A New Tool for Empirical Comparative Constitutional Law'. It is a fascinating intersection between law and economics. Secondly, his paper 'Revisiting the Theory of Judicial Councils' sparked an insightful roundtable discussion on Judicial Councils among the JUSTIN members and our guests.

JUSTIN research visits 2023



In May we welcomed **Silvia Steininger**, a Research Fellow at the Max Planck Institute for Comparative Public Law and International Law and an newly appointed Postdoctoral Researcher at the Hertie Centre for Fundamental Rights. Silvia is currently in the final stages of her PhD on backlash and the resilience of regional human rights regimes at Goethe University, Frankfurt. Her research stay at JUSTIN was part of her reconstitution fellowship, in which she investigates how European apex courts communicate in the rule of law crisis.

During Silvia’s research stay, we also hosted **Barbara M. Grabowska**, a research fellow at CEU Democracy Institute, who presented her project entitled 'Pegasus in Times of the Rule of Law Crisis – Surveillance and Illiberalism in Central and Eastern Europe'.

In June we received a visit from **Maroš Terkanič**, who directs the Policy Analysis Unit at the Analytical Centre of the Slovak Ministry of Justice, the main role of which is to make an assessment and policy suggestions within the Ministry's responsibility. Maroš dedicates himself to the areas of human rights, criminal law, civil law and the functioning of the judiciary in Slovakia. As part of his research visit to JUSTIN he focused on the topic of judicial independence and judicial credibility.



Selected TEAM Engagement at Conferences

Workshop: The Chief Justices in Comparative Perspective

David Kosař and Rosalind Dixon co-directed the workshop, ‘The Chief Justices in Comparative Perspective’, in Wellington in early July. The conference discussed the judicial regimes under



pressure in Central Europe, the Americas, Africa and South-East Asia. With **Katarína Šipulová** David presented a paper entitled ‘Chief Justices in Central Europe’. Wellington also hosted the 2023 ICON-S Annual Conference, where both JUSTIN members chaired a set of panels discussing courts unpacking, multi-textual constitutionalism, judicial resistance, the

separation of powers and informal institutions. The Law Faculty was also well represented by JUSTIN’s newest colleague, **Šimon Chvojka**, who shared his PhD thesis on the role of apex courts between the advancement of legal theory and protection of individual rights. Already being down under, Katarína and David did not stop, but continued to the ‘Constitutional Heroines’ conference in Queenstown to submit a paper on the Czech Constitutional Heroines.

Constitutional Law Conference

Katarína Šipulová had the opportunity to join the [recent Constitutional Law Conference](#), organised by IIPS - International Institute of Political Science, Konrad-Adenauer-Stiftung Česko, and the Department of Constitutional Law and Political Science. The conference marked the thirtieth anniversary of the Czech



Source: IIPS - International Institute of Political Science

Constitutional Court. It was a unique opportunity to delve into crucial discussions regarding its significance, purpose and principles within our constitutional framework.



V4 Law Student Summit

Attila Vincze participated in the summer school in Győr in July, which was the V4 Law Student Summit. He joined the roundtable discussion on the relationship between the Court of Justice of the European Union and the national constitutional courts.

JUSTIN events

JUSTIN OPEN DAY

We launched the first-ever Open Day in May, providing students with valuable insights into the institute's research and activities. The event aimed to bridge the gap between students and the research team, offering a glimpse into the institute's history, daily routines and academic life. Students engaged in interactive discussions, exploring topics such as studying abroad and participating in research activities. The Open Day showcased the Faculty of Law's commitment to fostering student engagement and promoting a deeper understanding of the legal world.



New members and team achievements

Kateřina Hobzová

Kateřina joined our team as the newly appointed administrator, bringing to JUSTIN a wealth of experience and expertise. She earned her Master's degree in Geography and Cartography at the Faculty of Science, Masaryk University, where she developed a passion for understanding the intricacies of our world and its landscapes.

Over a period of 15 years, she refined her skills in project and people management in multinational tech firms. Her corporate experience gave her an insight into how organisations function and honed her knack for effective management.



Patrick Leisure

Patrick is a PhD researcher at the Masaryk University Faculty of Law, in both the Department of Constitutional Law and Political Science and the Judicial Studies Institute (JUSTIN), and also a part-time junior researcher at the National Institute for Research on Socioeconomic Impacts of Diseases and Systemic Risks (SYRI). He has a Juris Doctor from the Boston University School of Law, an LL.M. from Université Panthéon-Assas, Paris II, and a B.A. from the



College of William and Mary (Virginia). Patrick is interested in judicial decision-making, international courts, human rights and constitutional law. His work has been published in the Stanford Journal of International Law, the Harvard International Law Journal and the Nordic Journal of European Law. He has worked or interned at the Czech Constitutional Court, the European Investment Bank and the International Residual Mechanism for Criminal Tribunals in The Hague.

Kateřina Ochodková

Kateřina is in the second year of her PhD studies in Constitutional Law and State Studies. Her dissertation research focuses on postal voting systems in the Visegrad Group countries. She is a research fellow at the Judicial Studies Institute (JUSTIN). She holds a Master's degree in Law (2022) and a Bachelor's degree in Political Science (2020) from Masaryk University. She received the F.L.



Rieger Prize and the Karel Schwarzenberg Prize for her master's thesis, 'The Closing Clause as a Problem of Constitutional Law'. As a research assistant she contributed to the reform of the compulsory course on Political Science (under Robert Zbiral). Her current professional interests include elections, election law and other topics 'between law and politics'.

Šimon Chvojka

Šimon is a PhD student in constitutional law at the Faculty of Law, Masaryk University where, under the supervision of Vojtěch Šimíček, he is focussing on the Supreme Administrative Court and its role within the judicial hierarchy of administrative courts. In addition to this topic, his publications also deal with the protection of privacy in relation to the public authorities.



Apart from academic work, Šimon has clerked for judges at the Supreme Administrative Court and the Constitutional Court, and has undergone several internships at courts of various levels, as well as at law firms. Currently, Šimon is studying within the LL.M. programme at Trinity College Dublin in Ireland.

Our Accomplishments and Recognitions: Celebrating Awards Received

We are pleased to share the news that [David Kosař has been appointed as a Professor of Constitutional Law](#), among an esteemed group of 70 academics who received their official appointments from Czech President Petr Pavel and Minister of Education Mikuláš Bek at Prague's iconic Clementinum. Among this select group, eight were nominated by the Scientific

Board of Masaryk University. David's ascent to this prestigious role not only celebrates his exceptional expertise but also reflects his profound dedication to unravelling the complexities



of constitutional law. His wealth of knowledge and commitment serve as an invaluable asset, enriching both the university and the broader academic community.

Source: MŠMT

The [MUNI Scientist award](#) ceremony acknowledged the research excellence at the Judicial Studies Institute. The annual conference of the Masaryk University Grant Agency recognized outstanding achievements in 2022 and 2023 among MU scientist. Šárka Pospíšilová, the Vice-Rector for Research and Doctoral Studies, awarded **Marína Urbániková**, **Katarína Šipulová** and **David Kosař**. Their contributions serve as examples of dedication and excellence in our continuous endeavour to conduct impactful research.



*Katarína and David accepted the awards from the Vice-Rector for Research and Doctoral Studies Šárka Pospíšilová
Source: Martin Šteiner*

In a highly competitive group of Ph.D. students, **Michal Kovalčík** claimed the top spot for his essay on 'Transparency that isn't: case assignment at the Court of Justice' in the ['Ius et Societas 2022/2023' competition](#). The competition, held annually by Jan Hus Educational Foundation, Faculty of Law, and the Faculty of Social Studies at Masaryk University and supported by institutions such as the Constitutional Court, the Supreme Court, the Supreme Administrative Court, the Prosecutor General's Office and the Office of the Public Defender of Rights, seeks the most interesting and thought-provoking views regarding the role of law and justice in society. Michal was also honoured by the prestigious Rector's Award for outstanding students of the MU Master's programmes.



2023 in Focus

- **7.-8.12.2023 Workshop 'Constitutional annual works-in-progress', UCD Centre for Constitutional Studies, Dublin, Ireland (Virtual presence)**

Michal Kovalčík - 'Constitutional Referrals: A Platform for Judicial Dialogue and Another Toolkit for Judicial Resistance'

- **30.11.-1.12.2023 Workshop 'The European Court of Human Rights' Response to Illiberal and Authoritarian Practices', Wissenschaftskolleg zu Berlin, Germany**

David Kosař - discussant of the contribution of Joseph Finnerty, 'Kangaroos in Strasbourg: Appraising the ECtHR's Response to Illiberal Practices Undermining Domestic Judicial Independence'

- **30. 11.2023 Discussion 'The Role of Chief Justices', International Network of Judicial Reformers. (Virtual presence)**

David Kosař - 'The Role of Chief Justices'

- **30.11.2023 Conference 'Třicet let ústavního soudnictví' ['Thirty years of constitutional judiciary'], Faculty of Social Studies of Masaryk University, Brno, Czechia**

Katarína Šipulová and Alžbeta Králová - paper 'Meče, štíty a rytíři demokracie. Jak 30 let ústavního přezkumu formovalo vztah ÚS a Parlamentu' [Swords, shields and knights of democracy. How did the 30 years of constitutional review shape the relationship between the Supreme Court and Parliament]

- **8.-12.11.2023 Workshop 'Islands of Institutional Integrity', University of Chicago Law School, USA**

David Kosař - paper 'Chief Justices in Central Europe – Activation of the Supranational Level as a Gamechanger?'

- **12.-13.10.2023 Conference 'Empowering domestic judiciaries', Eötvös Loránd University ELTE, Budapest, Hungary**

Katarína Šipulová - keynote speech 'Building a Resilient Judiciary'

- **9.-10.10.2023 Workshop 'The Foundations of Institutional Authority', Dublin, Ireland**

David Kosař, Ondřej Kadlec (co-authored with Katarína Šipulová) - paper 'The Case for Judicial Councils as Fourth Branch Institutions'

David Kosař - discussant of the contribution of Eoin Carolan, 'Authority: the engine - and weakness - of the separation of powers?'

Ondřej Kadlec - discussant of the contribution of Demian Inglesias Seifert, Daniela Rodriguez Gutierrez and Eoin Carolan, 'Public opinion as (a) foundation of judicial independence: mapping the relationship between independence and public perceptions of the courts and their independence'

- **5.-6.10.2023 Congress 'Judicial Independence of International Courts: Current Challenges and Perspectives', Pompeu Fabra University, Barcelona, Spain**

David Kosař - paper 'Internal judicial independence at international courts: Court presidents and registrars'

- **29.-30.9.2023 ECPR Workshop of the Standing Group on Law and Courts, University of Oslo, Norway**

Michal Kovalčík – paper 'Transparency of the case assignment at the ECJ'

- **18.9.2023 Round table discussion 'Vznik národní lidskoprávní instituce (NHRI) v ČR: aktuální otázky' ['The Establishing of the National Human Rights Institution (NHRI) in the Czech Republic: Current Questions'], Office of the Public Defender of Rights, Brno, Czechia**

David Kosař - discussant in the panel on 'Návrh novely zákona o veřejném ochránci práv ve vztahu k nárokům akreditace NHRI' ['The amendment motion to the law on the Public Defender of Rights in relation to the accreditation requirements of NHRI']

- **15.-16.9.2023 Workshop 'Rule of Law and Rechtstaat under Pressure', University of Warsaw, Poland**

Etienne Hanelt and Attila Vincze – paper 'A Hybrid Judiciary in a Hybrid Regime: A Case Study on Hungary'

- **4.-7.9.2023 ECPR General Conference, Charles University, Prague, Czechia**

Katarína Šipulová and David Kosař - chairing the panel on 'Informality and Institutional Design of Judicial Bodies'

Katarína Šipulová, Lukáš Hamřík, Samuel Spáč and David Kosař - 'Judicial Self-Governance Index: The Role of Court Presidents in Judicial Governance'

Etienne Hanelt - discussant in the panel on 'Courts and Communication'

Etienne Hanelt and Attila Vincze - 'A Hybrid Judiciary in a Hybrid Regime: A Case Study on Hungary'

Etienne Hanelt - 'Getting Article 7 Done: Coalition-building against Hungary in the European Parliament'

Attila Vincze - discussant in the panel on 'Informal Presidential Politics'

- **3.-6.9.2023 UACES 2023 Annual Conference, Queen's University Belfast, United Kingdom**

Lukáš Hamřík - 'Judicial Leadership at the CJEU'

Lukáš Hamřík - session chair 'Challenging or Upholding the Rule of Law?'

- **8.-12.7.2023 Conference 'Constitutional Heroines', Queenstown, New Zealand.**

David Kosař and Katarína Šipulová - 'Czech Constitutional Heroines'

- **3.-5.7.2023 Conference ICON-S, Wellington, New Zealand.**

David Kosař - 'Court-Hoarding'

Katarína Šipulová - 'Unpacking the courts'

David Kosař - participation in an Interest Group on 'Separation of Powers'

Katarína Šipulová - participation in an Interest Group on 'Informal Institutions'

Katarína Šipulová and David Kosař - participation in a panel on 'Multi-Textual Constitutions in the World'

- **2. 7.2023 Workshop 'The Chief Justices in Comparative Perspective', Wellington, New Zealand.**

David Kosař - workshop director with Rosalind Dixon

David Kosař and Katarína Šipulová - 'Chief Justices in Central Europe'

- **15.-16.6.2023 Workshop 'Heads and Tails: Admissibility and Remedies at the European Court of Human Rights', Utrecht University, The Netherlands.**

Mathieu Leloup - 'The duty to exhaust non-independent apex courts as effective remedies before the European Court of Human Rights'

- **15.6.2023 Workshop 'Empirical Legal Studies'. Analytical Centre of the Ministry of Justice of the Slovak Republic. Bratislava, Slovakia.**

Katarína Šipulová and Lukáš Hamřík - presentation of ongoing research on 'The position of Court Presidents in judicial (self-)governance'

- **2.6.2023 Conference '(Un)doing Judicial Independence: Actor's strategies, institutions, and outcomes'. Institut d'études européennes de l'Université libre de Bruxelles. Brussels. Belgium.**

Katarína Šipulová and David Kosař - 'Judges as Agents of Change: Un(Doing)Judicial Independence in Czechia and Slovakia'

Katarína Šipulová - discussant of the contribution of Vania Alvares on 'Judges associations and judicial independence: ASJP and the Portuguese case'

- **1.-4.6.2023 Conference 'Annual Meeting on Law and Society'. The Law and Society Association. San Juan, Puerto Rico.**

Lukáš Hamřík - participation in 'Early Career Workshop'

- **25.-26.5.2023 Conference JAR-Association 'Innovation in Judicial Systems: Human, Cyber and Beyond'. School of Law, University Rome Tre, Rome, Italy.**

Katarína Šipulová - panel convenor 'Judicial Councils Revisited'

Katarína Šipulová and David Kosař - 'Judicial Councils as Fourth Branch Institutions'

David Kosař - panel discussion 'Chief Judges and Chief Justices: Appointment, Role, Functions, Accountability, and Countries' Peculiarities'

- **24.5.2023 Conference 'Co nám patří a co ne: 20 let NSS' ['What does belong to us and what does not: 20 years of the Supreme Administrative Court']. Supreme Administrative Court, Brno. Czechia.**

David Kosař - keynote speech 'Co nám patří a co ne v "koncertu soudních velmocí" (NS, NSS, ÚS, SDEU, ESLP)?' ['What does belong to us and what does not in the "concert of great powers of judiciary" (Supreme Court, Supreme Administrative Court, Constitutional Court, Court of Justice of the European Union, European Court of Human Rights)?']

- **25.-28.4.2023 Workshop 'Joint Sessions of Workshops', ECPR, Sciences Po Toulouse, France.**

Katarína Šipulová - together with Øyvindem Stiansenem directing a workshop on 'Judicial Resilience and Democratic Decay'

- discussant of Arnisa Tepelija's contribution 'Was it created in Her own image? Constituting judicial independence through Europeanization in Albania'

- discussant of Leonardo Puleo's contribution 'Judges against the government. Towards a typology of non-partisan opposition and resistance'

- 'Conceptualising Judicial Resilience'

Samuel Spáč - discussant of Igor Logvinenko's contribution 'Norms and Procedures: Courts and Democratic Backsliding in the United States'

- discussant of Teodory Miljojkovic's contribution 'Irremovability of Judges - An Obstacle to Judicial Resilience-Building?'

- 'Capacity and willingness of Slovak judges to withstand attacks on the judiciary and protect democracy'

David Kosař - discussant of Yulia Khalikova's contribution 'The power and the limits of international law under authoritarianism: Evidence from a survey experiment'

- discussant of Lydia Tiede's contribution 'Judicial Tenacity in the Shadow of Backsliding'

David Kosař and Katarína Šipulová - 'Informal Judicial Institutions and Democratic Decay'

- **18.-19.4.2023 Workshop 'Judging and the Judiciary', Murray Edwards College, University of Cambridge, UK.**

David Kosař and Katarína Šipulová - 'Court Presidents, Informality and Power'

David Kosař - discussant of Cristina Dallara, Carlo Guarnieri and Patrizia Pederzoli's contribution 'Judicial policy-making and independence in continental Europe'

Katarína Šipulová - discussant of Matyas Bencze's contribution 'Judicial Populism'

- **3.-4.4.2023 'Defending Judicial Independence Through EU Judicial Remedies and the ECtHR', The CEELI Institute, Prague, Czechia.**

David Kosař - discussion on 'Key developments in the case-law of the ECtHR since Ástráðsson (application no. 26374/18)'

David Kosař - discussion on 'Advantages and shortcomings of defending judicial independence via EU judicial remedies and applications to the ECtHR'

- **16.-17.3.2023 Workshop 'Transition 2.0'. Max Planck Institute for Comparative Public and International Law. Heidelberg, Germany.**

Katarína Šipulová and David Kosař - 'Comparative court-packing'

- **1.3.2023 Discussion seminar 'Právo na svobodu projevu soudce a jeho limity v kontextu důvěry v nezávislou a nestrannou justici' ['The right to freedom of expression of a judge and its limits in the context of trust in an independent and impartial judiciary], Supreme Court of the Czech Republic, Czechia.**

David Kosař - paper 'Svoboda projevu soudců v judikatuře Evropského soudu pro lidská práva' [Freedom of expression of judges in the case law of the European Court of Human Rights]

- **16.2.2023 Discussion 'The Role of Lay Members of Judicial Councils in Making the Judiciary Independent and Accountable', International Network of Judicial Reformers (Virtual presence).**

David Kosař - 'Non-Judges on Judicial Councils: (Self-)Perception Matters'

- **2.2.2023 Conference 'A jogi érvelés és alternatívái' [Legal Reasoning and its Alternatives], Győr, Hungary.**

Attila Vincze - 'A jogrendszer zársága és az alkotmányos konvenciók' [Unity of the Legal System and the Constitutional Conventions]

2023 Publications by JUSTIN members

- Bobek, Michal, and David Kosař. 2023. 'Please, Disregard Us: When a Minority of the European Court of Human Rights Declares its own Court to be Ultra Vires'. *European Law Review*, Vol. 48, No. 3, pp. 281–311.
- Brunclík, Miloš, Michal Kubát, Attila Vincze, Miluše Kindlová, Marek Antoš, Filip Horák and Lukáš Hájek (eds.). 2023. *'Power Beyond Constitutions'*. Palgrave Macmillan.
- Hamřík, Lukáš. 2023. 'Actors of Informal Judicial Institutions and Practices'. *German Law Journal*. Cambridge University Press, vol. 24, No 8, pp. 1520-1535.
- Hanelt, Etienne. 2023. 'Review of Dan Slater and Joseph Wong, From development to democracy: the transformations of modern Asia'. *Democratization*, Vol. 30, No. 3, pp. 543–545.
- Kadlec, Ondřej. 2023. 'Od tradice k technologii: citační analýza a proměny práce s judikaturou' ['From Tradition to Technology: Citation Analysis and Changes in How We Use Case Law']. *Časopis pro právní vědu a praxi* ['Journal of Jurisprudence and Legal Practice'], Vol. 31, No. 2, pp. 433–446.
- Kadlec, Ondřej, and Adam Blisa. 2023. 'Superjudges and the Separation of Powers: A Case Study of Judicial Informality in Czechia'. *German Law Journal*. Cambridge University Press, vol. 24, No. 8, pp. 1282-1299.

- Kosař, David, and Sarah Ouředníčková. 2023. 'Responsive Judicial Review "Light" in Central and Eastern Europe – A New Sheriff in Town?'. [*Review of Central and East European Law*](#). Netherlands: Martinus Nijhoff Publ., vol. 48, 3-4, pp. 445-472.
- Kosař, David, and Attila Vincze. 2023. 'Constitutional Conventions Concerning the Judiciary beyond the Common Law'. [*German Law Journal*](#). Cambridge University Press, vol. 24, No. 8, pp. 1503 - 1519.
- Kosař, David, and Attila Vincze. 'European Standards of Judicial Governance: From Soft Law Standards to Hard Law'. [*Journal für Rechtspolitik*](#). Wien: Verlag Österreich, Vol. 30, No. 4, pp. 491-501.
- Kosař, David, and Katarína Šipulová. 2023. 'Comparative court-packing'. [*International Journal of Constitutional Law*](#), Vol. 21, No. 1, pp. 80–126.
- Kosař, David, and Katarína Šipulová. 2023. 'Court-Unpacking: A Preliminary Inquiry'. In: [*Transition 2.0: Re-establishing Constitutional Democracy in EU Member States*](#), edited by Michal Bobek, Adam Bodnar, Armin von Bogdandy and Pál Sonnevend. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG, pp. 323–360.
- Kosař, David, and Katarína Šipulová. 2023. 'Politics of Judicial Governance'. In: [*Research Handbook on the Politics of Constitutional Law*](#), edited by Mark Tushnet and Dimitry Kochenov. Cheltenham: Edward Elgar Publishing, pp. 262–285.
- Kosař, David, Katarína Šipulová and Marína Urbániková. 2023. 'Informality and Courts: Uneasy Partnership'. [*German Law Journal*](#). Cambridge University Press, Vol. 24, No. 8, pp. 1239-1266.
- Kosař, David, and Ladislav Vyhnánek. 2023. 'The Evolution and Gestalt of the Czech Constitution'. In [*The Max Planck Handbooks in European Public Law. Volume II: Constitutional Foundations*](#), edited by Armin von Bogdandy, Peter M. Huber and Sabrina Ragone. London: Oxford University Press, pp. 55-108.
- Leisure, Patrick Casey. 2023. 'Europe's Schoolhouse Gate? Strasbourg, Schools, and the European Convention on Human Rights'. [*Stanford Journal of International Law*](#). United States: Stanford Univ, Stanford Law School, vol. 59, No. 2, pp. 91-130.
- Leloup, Mathieu. 2023. 'Informal Judicial Practices in the Belgian Legal Order: A Story of Incremental and Reactive Development.' [*German Law Journal*](#). Cambridge University Press, Vol. 24, No. 8, pp. 1267-1281.
- Leloup, Mathieu. 2023. 'Not Just a Simple Civil Servant: The Right of Access to a Court of Judges in the Recent Case Law of the ECtHR', [*European Convention on Human Rights Law Review*](#), vol. 4, No. 1, 23-57.
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