

The Docket

The Newsletter of the IPSA Research Committee on Comparative Judicial Studies (R.C.#9)

November 2003

Issue 39

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January 29-30, 2004

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Special Thanks to Mary Volcansek

The Research Committee on Comparative Judicial Studies (IPSA RC #9) is one of 51 active research committees of the International Political Science Association. Our purpose is to promote scholarly work on law, courts, and judicial processes from a comparative perspective. Ultimately, we seek to bring the study of the various dimensions of judicial systems within the mainstream of comparative political research. RC #9 encourages comparative research on judicial systems and the participation of scholars in our program regardless of the disciplinary origins and commitments of those who do the research.

For inquiries regarding this newsletter, contact Michael Tolley, m.tolley@neu.edu

Tentative Program Interim Meeting of R.C. #9

London School of Economics London, England

Host: Dr. Kate Malleson
kate@mmasskm.demon.co.uk

Date: January 29-30, 2004

Theme: Judicial Selection

Thursday, January 29th

8:30-9:00 Registration

9:00-10:30 Panel I: Judicial Selection Panels

Chair: Marty Edelman
SUNY Albany
Me354@csc.albany.edu

“Creating a Judicial Appointments Commission: Which Mode Works Best?”

Kate Malleson
Law Department
London School of Economics
kate@mmasskm.demon.co.uk

“The Scottish Judicial Appointments Board: New Wine in Old Bottles”

Alan Paterson, University of Strathclyde
prof.alan.paterson@strath.ac.uk

“Judging Judges: South Africa's Judicial Service Commission in Action”

Francois duBois
dubois@law.uct.ac.za

“Judicial Selection in Latin American Following the 1990s Reforms: The Role of the National Judicial Council in Argentina, Mexico and Peru”

Jodi Finkel
Loyola Marymount Univ.
Jodifinkel@yahoo.com

10:45-12:15 Panel II: Judicial Selection Issues in the U.S.

Chair: Maria Elisabetta de-Franciscis
University of Naples
medefra@tin.it

“American Judicial Accountability Since 1789”

Matthew Woessner
Penn State Harrisburg
mcw10@psu.edu

“Legal Controversies over Judicial Selection Provisions”

Michael Tolley
Northeastern University
m.tolley@neu.edu

“Judicial Selection, Italy and USA”

Carlo Rossetti
University of Parma
grosset@inpruniv.cce.unipr.it

12:15-1:30 Lunch

1:30-3:00 Panel III: Executive Role in Judicial Selection

“Executive Subversion of Judicial Service Committees: The Zimbabwe Experience”
Derek Matyszak
University of Zimbabwe
dmatyzsak@esonet.zw

“Bureaucratic Selection with Partisan Results: The Italian Magistrature”
Mary L. Volcansek
Texas Christian University
m.volcansek@tcu.edu

“The Selection and Appointment of Indian Supreme Court Judges”
George H. Gadbois, Jr.
University of Kentucky
GADBOISGH@aol.com

“Judicial Selection in France”
Marie Provine
Arizona State University
Marie.Provine@asu.edu
and Antoine Garapon
Secretary General, Institut des Hautes Etudes sur la Justice
Paris
garapon@club-internet.fr

3:15-4:45 Panel IV: The Politics of Judicial Selection

“Gender on the Agenda: How the Gender of Judges Becomes a Political Issue”
Sally Kenney
University of Minnesota
skenny@hhh.umn.edu

“Judicial Independence and the New International Jurisprudence: The Role of Judicial Selection in the ICC”
Galya Benarieh Ruffer
DePaul University
gruffer@depaul.edu

“Judicial Politics and the Politics of Selecting Judges in Israel”
Menachem Hofung
Hebrew University of Jerusalem
msmh@mscc.huji.ac.il

“The Politics of Judicial Selection in Egypt”
Mahmoud Hamad
University of Utah and University of Cairo
U0308775@utah.edu

4:45 RC#9 Business Meeting

Presiding: Michael Tolley
Discuss the theme and venue for the 2005 meeting

7:00 Group Dinner (Coopers Lincoln Inn Fields)

Friday, January 20th

9:30-11:00 Panel V: Judicial Selection: New Trends

Chair: Jacob Ziegel
University of Toronto
j.ziegel@utoronto.ca

“Judicial Selection for International Courts: Toward Common Principles and Practices”
Philippe Sands and Ruth Mackenzie
University College London
p.sands@ucl.ac.uk

“The Judicial Appointments in Post-Charter Canada: A System in Flux”
F.L. Morton
University of Calgary
Morton@ucalgary.ca

“A Judiciary in Transition: Reflections on the Selection of Judges in Namibia”
Sufian Hemed Bukurura
University of Durban-Westville

11:15 Keynote Address:
“The New Judicial Appointments Commission in England”
Lord Woolf, The Lord Chief Justice of England and Wales

12:15-1:30 Lunch

1:30-2:30 Panel VI: Judicial Selection in U.S. Cities and States

“Rethinking the Selection of State Supreme Court Justices”
G. Alan Tarr
Rutgers University
cscs@camden.rutgers.edu

“Selection of Judges in New York City”
Daniel Kramer
Emeritus Professor of Political Science
College of Staten Island
CUNY
dkramer1@si.rr.com

2:45-4:15 Panel VII: Judicial Selection in Established Democracies

“Judicial Appointments and Promotion in Israel: Constitution, Law and Politics”
Eli Salzberger
University of Haifa
salzberg@research.haifa.ac.il

“Judicial Recruitment in Russia: Theory and Practice”
Alexei Trochev
atrochev@hotmail.com

“The Selection Process of Constitutional Court Judges in Germany”
Christine Landfried
University of Hamburg
landfried@sozialwiss.uni-hamburg.de

“An Equilibrium Elite: Selection and Composition of the Dutch Judiciary”
Leny de Groot-van Leeuwen
L.degroot@jur.kun.nl

London Meeting: Hotel Booking Options

(From Kate Maleson, Host of the Meeting at the LSE)

January is a generally a quiet time for hotels in London so we should be able to get reasonably good rates. Certainly nobody should pay the standard quoted rate for a room at this time of year. There is something to be said for waiting until the week before the conference and then finding a room on www.lastminute.com or equivalent websites. The discounts available on such deals are often very good indeed.

Alternatively, we can book a group booking in advance and get a cheaper deal that way.

I have listed three hotels below ranging from simple to luxurious. If participants could let me know whether they are interested in a group rate, and their price range or preferred hotel, then I will see if we have enough critical mass to get a discount at one or other of the hotels.

Please email me directly at k.e.malleson@lse.ac.uk

One and two stars

There is a huge range of small, cheaper small hotels clustered around the British Museum/Russell Square where prices are around £50 -

100 per room. If you search on any hotel site under the postcode WC1 you will be able to get a feel of what is available.

The cheapest hotel which I usually recommend is the Penn club. It is a bit quirky, originally set up as a Quaker club (so no alcohol is allowed in the rooms!) but it is pleasant and comfortable and has a very friendly non-corporate feel to it. Check out the website below. Prices start at £49 per night but there is no group-booking rate.

The hotels in this area are about a 15 minute walk (or 5 minute bus ride) up Kingsway from the LSE.

<http://www.pennclub.co.uk/>

Three star

Nearer the LSE (about five minutes walk) is the Strand Palace hotel (website below) which is a three star hotel just on the edge of the Aldwych a skip away from Covent Garden, theatres etc. If we book 10 rooms or more the rates per room night including tax and full breakfast are:

Double/twin £100
Single £80

It is also often possible to get cheap last minutes deals here.

<http://www.strandpalacehotel.co.uk/rooms.htm>

Five star

A more upmarket option is the Howard Hotel. This is a very elegant five star hotel just over the Strand and overlooks the river. The normal room price starts at £300 per night(!) but it is often possi-

ble to get cheap last minute deals and there are group reductions. I have been quoted a price of £150 per night for a double room on a group booking.

<http://www.swissotel.com/ms-basics.asp?id=15>

Conference Site:

The room we will be using at the LSE is called the Vera Anstey room and it is in the Main Building, Houghton Street. It is just next to the main entrance where there is a reception desk.

Past Meeting: Parma, Italy June 2003

Special thanks to the Università degli Studi di Parma and Prof Carlo Rossetti for hosting this successful meeting.

Keynote Address: “The Italian Political System”
R.H. Dr. Andrea Borri, President of Province of Parma

Panel I. Judicial Legitimacy: Theory and Concepts

Chair: Mary Volcansek
Texas Christian University
(m.volcansek@tcu.edu)

“Compromising Rights: How Does a Constitution Mean”
Judith Baer, Texas A&M University
(J-baer@tamu.edu)

“Supreme Court Legitimacy: Views from Inside”
Beverly B. Cook
Emeritus Professor, U. of Wisconsin—Milwaukee
(bevcook@calinet.com)

“Forms of Judicial Power”
Prof. Bela Pokol
Eotvos Lorand University-
Budapest

Panel II: National Courts in Mature Democracies I

Chair: Leslie Goldstein
University of Delaware
lesl@udel.edu

“Judicial Legitimacy in Latin Europe”

Carlo Guarnieri
University of Bologna
guarnica@spbo.unibo.it

“Legislative Responses to Judicial Supremacy: Parliamentary and Bureaucratic Rights Activism in Canada, Australia and New Zealand”

James B. Kelly
Brock University
James.Kelly@brocku.ca

“Recent Constitutional Reforms of the UK Judiciary”
Kate Malleson
Department of Law
London School of Economics
kate@mmasskm.demon.co.uk

Panel III: National Courts in Transitional Democracies

Chair: Carl Baar
Brock University

“The Egyptian Supreme Constitutional Court: The Dual Search for Legitimacy”
Mahmoud M. Hamad
University of Utah
u0308775@utah.edu

“Constitutional Courts in New Democracies”
Umut Aydin
University of Washington

“Mexico’s Supreme Court: Explaining the 1994 Judicial Reform and Documenting the Empowerment of the Court via Post-Reform Judicial Rulings”

Jodi Finkel
Loyola Marymount University

“The Success of the Legal Chancellor in the Estonian Constitutional Review Process: Party Capability and Regime Deference Explanations”

Nancy Maveety
Tulane University
and
Vello Pettai
University of Tartu, Estonia

“Assessing the Status of Court and International Efforts to Strengthen Judicial Independence in Ten Southeast Asian Countries”

David M. O’Brien
University of Virginia

Panel IV: National Courts in Mature Democracies II

Chair: Judith Baer
Texas A&M Univ.
j-baer@tamu.edu

“Judicial Risk Adverseness in a Westminster Parliamentary System: A Preliminary Analysis of the Canadian Case”

Roy B. Flemming
Texas A&M University
roy@politics.tamu.edu

“Interpreting a Bill of Rights: Why Look Only to Courts for Answers?”

Janet Hiebert
Queen’s University
hiebertj@qsilver.queensu.ca

Panel V: International Legitimacy: National, Transnational and International

Chair: Roy Flemming
Texas A&M University

“Universal Human Rights Jurisdiction: National and Transnational Courts”

Donald W. Jackson
Texas Christian Univ.
d.w.jackson@tcu.edu

“Legitimacy and Power: Justice, Politics and War Crimes Tribunals”
Charles Anthony Smith
University of California -San Diego

tonysmithucsd@msn.com

“Judicial Enforcement of Socio-economic Rights in Comparative Perspective”

Michael Tolley
Northeastern University
m.tolley@neu.edu

“From Whence They Came: Judicial Background and Judgments at the International Criminal Tribunal for the Former Yugoslavia”
Kimi King and Jim Meernik
University of North Texas
kking@unt.edu

Panel VI Judicial Legitimacy in Mature Democracies III

Chair: Elisabetta de Franciscis, Università di Napoli
Medefra@tin.it

“Judicial Legitimacy in Italy”
Carlandrea Cremonini
Attorney, Parma
Claudia@studiocremonini.it

“Undermining the Judges’
Credibility and Judicial Re-
sponses in Italy: Comparative
Remarks”
Carlo Rossetti
University of Parma
grosset@unipr.it

“Studying Context versus the
Rule of Law in the American
States: The Case of Tort
Litigation”

Melinda Gall Hall
Michigan State University
hallme@msu.edu
and
Paul Brace
Rice University
pbrace@rice.edu

“Judicial Supremacy Cana-
dian Style: Techniques of
Judicial Activism”
Eugene Dais
University of Calgary
dais@ucalgary.ca

Call for Confer- ence Themes:

On the agenda of RC#9’s
Business Meeting to be held
in January at the London con-
ference is discussion of
themes/topics for upcoming
meetings. If you will not be

attending the London meet-
ing, please send your ideas
for the 2005 interim meeting
of RC#9 to Michael Tolley at
m.tolley@neu.edu. I’ll make
sure that your views are pre-
sented.

Election of RC#9 Officers:

(Effective January 2004)

New Convenor:
Prof. Michael Tolley
Northeastern University
303 Meserve Hall
Boston, Massachusetts
02115 m.tolley@neu.edu

New Secretary/Treasurer:
Prof. Carlo Rossetti
Department of Political and
Social Studies
Legal Studies Unit
University of Parma
Bgo Carissimi 11
43100 Parma, Italy
grosset@unipr.it

IPSA Congress:

The next IPSA Congress is
scheduled to meet July 10-13,
2006, in Fukuoka, Japan.

The theme of this meeting
will be “Is Democracy Work-
ing?” See IPSA’s web site
for panel and paper proposal
deadlines.
www.ipsa.ca

New Website Address:

RC#9’s website may be
found at
www.casdn.neu.edu/%7epoli%7esci/CJS/CJS.htm

Special Thanks:

I would like to take this
opportunity to thank
Mary Volcansek for her
three years of distin-
guished service as con-
venor of RC#9.

**IPSA—Research Committee on Comparative
Judicial Studies**

C/O Professor Michael C. Tolley
Northeastern University
303 Meserve Hall
Boston, MA 02115 USA

Address Correction Requested

Important Dates:

**January 29-30, 2004 Interim Meeting of the Research Committee
on Comparative Judicial Studies—London, England**