“Filling the Gaps: The Study of Judicial Creativity and Equity in Mixed Jurisdictions and Beyond”

Department of Political and Social Sciences
University of Catania

Aula Magna
University of Catania
Catania, Italy

May 27-28, 2013

PROGRAM AGENDA
Day 1: May 27, 2013

09:00-09:30  Welcome Remarks

Mohamed Mattar, Senior Research Professor of International Law, Executive Director, The Protection Project at The Johns Hopkins University-SAIS, Washington, DC, USA
Vernon Palmer, Thomas Pickles Professor of Law, President, World Society of Mixed Jurisdiction Jurists, Co-Director, Eason Weinmann Center for Comparative Law, Tulane Law School, New Orleans, LA, USA
Biagio Andó, Professor of Law, University of Catania, Department of Political and Social Sciences, Catania, Italy

09:30-11:00  Panel I: Legal Gaps in Mixed Jurisdictions and Beyond

Chair: Mohamed Mattar, The Johns Hopkins University-SAIS

— “Brief Introduction to the Problem of Judicial Gaps”
Claudia Irti, Professor of Law, Unicusano University, Rome, Italy

— “Appraisal of what Constitutes Legal Gaps and how they Are Filled in Different Jurisdictions”
Michael Ogwezzy, Professor of Law, Lead City University, Ibadan, Nigeria

— “Toward an Anatomy of Legal Gaps”
Vernon Palmer, Thomas Pickles Professor of Law, President, World Society of Mixed Jurisdiction Jurists, Co-Director, Eason Weinmann Center for Comparative Law, Tulane Law School, New Orleans, LA, USA

11:00-11:15  Coffee Break

Chair: Vernon Palmer, Tulane Law School

11:15-12:45  Panel II: Gap-Filling as an Expression of Legal Cultures

— “Mind the Gap, Mend it or Hide it! What Gap-Filling Reveals about Legal Systems and Cultures”
Olivier Moreteau, Professor of Law, Holder of the Russell B. Long Eminent Scholars Academic Chair, Louisiana State University (LSU) Paul M. Hébert Law Center, Baton Rouge, LA, USA

Salvatore Mancuso, Chair, Professor, and Director, Centre for Comparative Law in Africa, University of Cape Town, Cape Town, South Africa

— “Filling the Gaps in Latin America: Mixed Patterns in the 19th and 20th Century”
Ignazio Castellucci, Professor of Asian Legal Traditions and Chinese Law, University of Trento, Trento, Italy; Professor of Comparative Legal Systems, University of Macau, Macau, China

12:45-02:15  Lunch

Chair: Ignazio Castellucci, University of Trento

02:15-04:00  Panel III: Foundational Principles of the Law and Judicial Engagement in Gap-Filling
08:00-10:00 Closing Dinner

Day 2: May 15, 2012

09:30-11:00 Panel IV: Judicial Creativity and Equity in Gap-Filling: Case Studies of the European Mixed Jurisdiction System

Chair: Biagio Andó, University of Catania

— “Judicial Creativity in the European Mixed Jurisdiction”
  Barbara Pasa, Associate Professor, Private Comparative Law, Department of Law, University of Torino, Turin, Italy & Lorenzo Bairati, Senior Research Fellow, Department of Law, University of Torino, Turin, Italy

— “The Equitable Dimension of the CJEU’s Approach to Gap-Filling in EU Law”
  Francesca Fiorentini, Assistant Professor in Private and Comparative Law, Faculty of Law, University of Trieste, Trieste, Italy

— “The Problem of Gap-Filling and Judicial Activism in the European Court of Human Rights’ Case Law”
  Daria Sartori, PhD Candidate, Doctoral School of Comparative and European Legal Studies of Trento, Trento, Italy

11:00-11:15 Coffee Break

11:15-12:45 Panel V: Gap-Filling in Criminal Law vs Private Law Matters

Chair: Salvatore Mancuso, University of Cape Town

  Hossein Mir Mohamadsadeghi, Professor of Law, Shahid Beheshti University, Tehran, Iran

— “Living With/Out Proximity: The Absence of a Contested Concept in the Civil Law of Tort”
Carl Stychin, Dean, City University Law School, London, UK & Clemens Rieder, Faculty Academic Fellow, Lancaster University Law School, Lancaster, UK
— “Rules and Standards in Egyptian Private Law and the Approaches to Gap-Filling”
Fayez Mohamed, Professor of Law, Alexandria University, Alexandria, Egypt

12:45-02:15   Lunch

02:15-04:00   Judicial Creativity and Equity in Gap-Filling: Country Case Studies
Chair: Anton Cooray, City University of Hong Kong
— “The Role of Judicial Creativity and Equity in the Turkish Covert Hybridity”
Esin Orücü, Professor Emerita of Comparative Law, University of Glasgow, School of Law, Glasgow, UK
Stephen Thomson, PhD Candidate, Tutor, Part-time Lecturer, University of Edinburgh, Edinburgh, Scotland
— “Filling the Gaps: Case of Russia”
Irina Moutaye, Senior Researcher of the Department of Foreign Countries Civil Legislation of the Institute of Legislation and Comparative Law, Moscow, Russia
— “Of Gaps and the Common Law in the Cyprus Law of Obligations”
Nikitas Hatzimihail, Professor of Private Law, University of Cyprus, Nicosia, Cyprus

04:00-04:30   Closing Remarks
Vernon Palmer, Thomas Pickles Professor of Law, President, World Society of Mixed Jurisdiction Jurists, Co-Director, Eason Weinmann Center for Comparative Law, Tulane Law School, New Orleans, LA, USA
Mohamed Mattar, Senior Research Professor of International Law, Executive Director, The Protection Project at The Johns Hopkins University-SAIS, Washington, DC, USA
Biagio Andó, Professor of Law, University of Catania, Department of Political and Social Sciences, Catania, Italy

08:00-10:00   Closing Dinner