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ELI Newsletter

Sep-Oct 2024

Cover: The Lady Chief Justice, The Right Honourable the Baroness Carr of Walton-on-the-Hill

Spotlight: Travis Lenkner (Chief Development Officer, Burford Capital)





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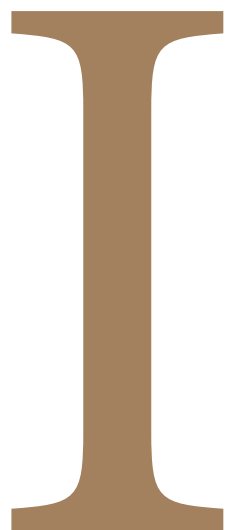
over

'... the greatest threat to open justice is not from direct attack, but rather from careless or inadvertent failure to protect it.'

Lady Carr was called to the Bar by the Inner Temple in 1987. As a barrister she specialised in general commercial law and took silk in 2003.

Her judicial career began in 2009 in crime, when she became a Recorder. She was appointed to the High Court, Queen's Bench Division in 2013, and became the second female High Court Judge to sit in the Commercial Court and the first female High Court Judge to sit in the Technology and Construction Court in 2014. She became a Presider of the Midland Circuit from 2016 until 2020, when she was appointed as a Lady Justice of Appeal. In the same year she was also appointed as the Senior Judicial Commissioner and Vice Chair of the Judicial Appointments Commission, a position she held until January 2023.

She became Lady Chief Justice of England and Wales on 1 October 2023. As Lady Chief Justice, she is the President of the Courts of England and Wales and Head of the Judiciary of England and Wales. She is the 98th person to hold this historic office and the first woman.



I am honoured to have been asked to contribute this piece for the European Law Institute's (ELI's) Newsletter. My chosen topic, which I hope that readers will find of interest, is the importance of transparency and openness in the delivery of justice in the 21st century.

The principle of open justice is enshrined in Article 6 of the European Court of Human Rights (ECHR), which provides that 'everyone is entitled to a fair and public hearing'. It has always been axiomatic in both European and municipal law that the public cannot be expected to have any confidence in the impartiality of the judicial process if they cannot have access to every aspect of it – to ensure that justice is both done and seen to be done (see, for example, *Axen v Germany* (1983) 6 EHRR 195, and *Re S* [2004] UKHL 47).

I have been concerned for some time that the greatest threat to open justice is not from direct attack, but rather from careless or inadvertent failure to protect it. I have made it clear publicly, since my appointment as Lady Chief Justice, that the judiciary of England and Wales will play its crucial constitutional role of protecting and promoting open justice as an essential element of the rule of law.

It is important also to consider how justice can be delivered openly in the context of the new technologies that are being adopted across Europe. There is little doubt that we

will all be looking to resolve criminal, civil, family and tribunal cases more quickly and efficiently by embracing remote video and audio hearings, and even Artificial Intelligence (AI). Many countries in Europe, including England and Wales, are looking at the creation of digital justice systems to expedite dispute resolution, both before and after proceedings are issued. In some ways, the reaction of many courts to the terrible Covid-19 pandemic has shown the way. Our courts found it possible to allow the press, and even individual members of the public, access by digital link, so that they could attend and observe remote video or audio hearings.

I have established a new Transparency and Open Justice Board to seek to modernise the approach of the judiciary of England and Wales to open justice in a manner that is both consistent and coordinated. The Board will set objectives for all courts so that they can focus more clearly on allowing timely and effective, but of course appropriate, public access to the lists of cases being determined, the documents filed in cases heard in court, and hearings.

It is perhaps a little difficult to see how there can be automatic public access to cases being resolved by online digital justice systems. In England and Wales, many civil, family and tribunal cases are now started and progressed online. Some cases may be



suitable for settlement or compromise without there ever being the need for an open public court hearing – even a remote one.

It will, nonetheless, be as important for the public and the academic legal community to be able to scrutinise the digital process by which such cases are resolved, as it is for them to be able to attend trials and other court hearings. I am sure that practices and processes will be developed to achieve this objective, whilst preserving appropriate litigant confidentiality.

For my part, I do not think that the adoption of AI as an aid to legal, or even judicial, decision-making poses any greater issue. So long as the human judge is always responsible for the actual decision, and the decision is open and publicly accessible, the technological assistance that may have facilitated the process should not be problematic from a transparency point of view. There will, however, as I have said always need to be public scrutiny of the processes adopted, just as the press and public must be allowed to see court hearings as they progress.

The view expressed by Lord Shaw in *Scott v Scott* [1913] AC 417, 111 years ago, is as applicable now as it was then. He said that publicity in the administration of justice was ‘one of the surest guarantees of our liberties’. It is, as I have said, an essential element, if not foundation, of the rule of law.

“
I have been concerned for some time that the greatest threat to open justice is not from direct attack, but rather from careless or inadvertent failure to protect it.
”

2024 ELI Annual Conference

The 2024 Annual Conference took place from 9–11 October 2024 in Dublin. The event gathered over 300 legal experts from across Europe and beyond. It marked yet another occasion to contribute to the development of law.

Save the Date: 2025 ELI Annual Conference, 22–24 September, Vienna Austria



Top, from left to right: Pascal Pichonnaz (ELI President; Professor, University of Fribourg) and Marko Bošnjak (President of the European Court of Human Rights); Bottom: Owen Bowcott (Journalist), Michael O'Flaherty (Commissioner for Human Rights, Council of Europe), Rossa Fanning (Attorney General of Ireland) and Barry McCarthy (President, Law Society of Ireland)



Right: Anne Birgitte Gammeljord (First ELI Vice-President; Lawyer at Roving & Gammeljord), Pascal Pichonnaz and Sir Geoffrey Vos (Second ELI Vice-President, Judge, Master of the Rolls, and Head of Civil Justice in England and Wales) Above: Gerard Hogan (Panel Chair; Judge of the Supreme Court of Ireland) Pascal Pichonnaz, Sir Geoffrey Vos, Emma Redmond (Associate General Counsel & Head of Privacy and Data Protection, Open AI) and Jeremy Godfrey (Chair Comisiún na Meán, Ireland's Media Regulator), with Irene Nicolaidou (Deputy Chair, European Data Protection Board) joining remotely.



Left: Paul Gilligan (ELI Irish Hub Chair; Retired Judge of the Irish Court of Appeal), Donal Gerard O'Donnell (Chief Justice of Ireland) and Sir Geoffrey Vos

Right 1: Barry McCarthy, Frances Fitzgerald (Member of the Gender Equality Advisory Committee to the G7) and Paul Keane (ELI Irish Hub Chair; Lawyer; Council of the Law Society of Ireland)



Right 2: Sir Geoffrey Vos and Georg Kodek (President, Austrian Supreme Court)

Right 3: Savvas S Papasavvas (Vice-President, General Court of the European Union) and Sir Geoffrey Vos



Right 4: Pascal Pichonnaz and Hugh I Mohan SC (Chair, Honorable Society of King's Inns).



Panels

A dvance Choices for Future Disablement

- Chair: Christiane Wendehorst (ELI Scientific Director)
- Adrian D Ward (Project Co-Reporter; Founder Chairman, NHS Trusts and a Mental Health Association)
- Lenka Vysoka (Legal and Policy Officer, European Commission, DG JUST)
- Paula Távora Vítor (Professor, University of Coimbra)
- Matthias Neumayr (Professor, University of Linz)



How to enable citizens across Europe to give instructions, record preferences and express wishes, to become effective in the event of their future disablement?

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E nterprise Foundations in Europe

- Chair: Anne Birgitte Gammeljord (ELI Vice-President; Lawyer, Rovsing & Gammeljord)
- Project Co-Reporter: Steen Thomsen (Professor, Copenhagen Business School)
- Oonagh B Breen (Professor, University College Dublin)
- Daniel Damjanović (Member of the Foundation Council, Interogo Foundation)
- Marie Boscher (Policy Officer, European Commission, DG GROW)



How to address the challenges faced by enterprise foundations in Europe and what solutions are being proposed to enhance their cross-border operations?

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D igitalisation of Civil Justice Systems in Europe

- Chair: Sir Geoffrey Vos (ELI 2nd Vice-President; Judge; Master of the Rolls and the Head of Civil Justice in England and Wales)
- Project Lead Reporter: Dory Reiling (Retired Senior Judge, Amsterdam District Court)
- Dirk Staudenmayer (Head of Unit Contract Law, European Commission, DG JUST)
- Georg Kodek (President, Austrian Supreme Court)
- Villu Kõve (Chief Justice, Supreme Court of Estonia)



What are the challenges and potential solutions for implementing much needed digitalisation of civil justice systems in a manner that safeguards fundamental rights?

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E

Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters

- Chair: Pascal Pichonnaz (ELI President; Professor, University of Fribourg)
- Project Co-Reporter: Elena Bargelli (Professor, University of Pisa)
- Elodie Mulon (Lawyer, CM&A – Chauveau Mulon Associés)
- Caterina D’Osualdo (Seconded National Expert (SNE), European Commission)
- Rachael Kelsey (President, International Academy of Family Lawyers)



How are family and succession matters evolving in the face of shifting responsibilities from courts to other authorities across Europe?

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A

AI and Automated Decision-Making: A Threat to the Rights of Citizens? Europe

- Chair: Savvas S Papasavvas (Vice-President, General Court of the European Union)
- John Tasioulas (Director, Institute for Ethics in AI, University of Oxford)
- Marion Ho-Dac (Professor, University of Artois)
- Eva Thélisson (Co-Founder and Executive Director, AI Transparency Institute)



How is Artificial Intelligence’s increasing use in government and corporate decision-making affecting fundamental rights and impacting individuals and societies?

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ELI Launches an Industry Event, followed by its Opening Reception

ELI’s first Industry Event, which brought together a high-level panel to address the convergence of artificial intelligence (AI), data protection and regulatory standards, had a broader aim of putting the organisation on the radar of the Irish legal community, at a time when AI and data processing are playing revolutionary roles.

With:

- Pascal Pichonnaz (ELI President; Professor, University of Fribourg)
- Sir Geoffrey Vos (ELI Vice-President; Judge; Master of the Rolls and the Head of Civil Justice in England and Wales)
- Gerard Hogan (Chair; Judge of the Supreme Court of Ireland)
- Jeremy Godfrey (Chair Comisiún na Meán, Ireland’s Media Regulator)
- Emma Redmond (Associate General Counsel and Head of Privacy and Data Protection, Open AI)
- Irene Nicolaidou (Deputy Chair, European Data Protection Board)
- Barry McCarthy (President, the Law Society of Ireland)
- Frances Fitzgerald (Member of the Gender Equality Advisory Committee to the G7)



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2024 Keynote Panel

The panel tackled the challenges and opportunities presented by Artificial Intelligence (AI) in relation to fundamental rights. Dublin, home to many of Europe's tech giants, provided the perfect backdrop for a timely and insightful discussion.

With:

- Marko Bošnjak (President, European Court of Human Rights)
- Michael O'Flaherty (Commissioner for Human Rights, Council of Europe)
- Rossa Fanning (Attorney General of Ireland)
- Owen Bowcott (Journalist)

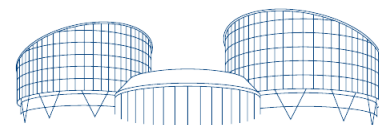
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Press Coverage

- [Irish Legal News](#)
- [BusinessPlus](#)
- [TechBuzz Ireland](#)
- [Forbes](#)
- [The Irish Times](#)
- [Irish Independent](#)
- [SiliconRepublic](#)
- [French Cour de Cassation](#)

Podcasts

- [ELI President, Prof Dr Pascal Pichonnaz – The Fifth Court Podcast Episode](#)
- [ELI Vice-President, Sir Geoffrey Vos – The Fifth Court Podcast Episode](#)



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Oifig an Ard-Aighne
Office of the Attorney General





Gala Dinner

Over 200 people, including 20 ambassadors, attended the gala dinner of 10 October 2024 at Kings' Inn.

Participants heard from:

- Pascal Pichonnaz (ELI President; Professor, University of Fribourg)
- Diane P Wood (Director, American Law Institute)
- Donal Gerard O'Donnell (Chief Justice of Ireland)

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On this occasion, the 2024 Hub and SIG of the Year winners were also announced.

- Irish Hub
- Turkish Hub
- Digital Law SIG

ELI congratulates and expresses sincere gratitude for their support. Indeed, it is grateful to all its Hubs and SIGs for their invaluable contributions.

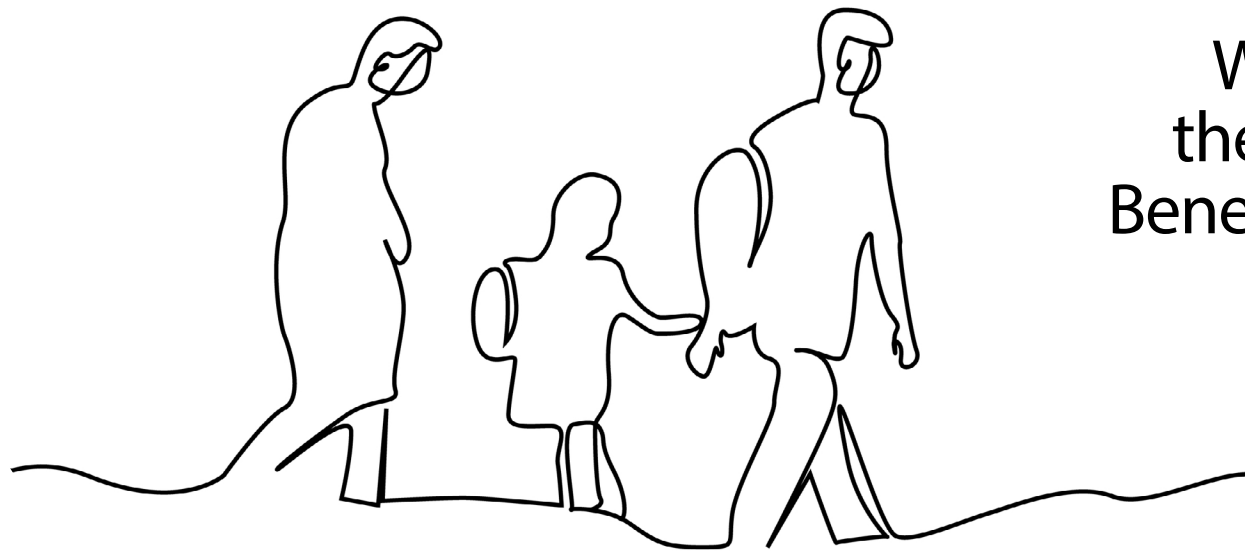
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2024 ELI Young Lawyers Winning Paper by Aron Johanson



Lex Patriae versus Lex Domicilii: What Law Governs the Personal Status of Beneficiaries of Subsidiary Protection?

The European Union (EU) can generally grant two different protection statuses: refugee status and subsidiary protection status. In both cases, the question arises as to which law applies to the personal status of those enjoying these protection statuses; ie, which law determines their legal capacity, the validity of their marriage, their name, their gender, etc? While there is a specific conflict-of-laws rule for refugee status (Article 12 of the Geneva Convention Relating to the Status of Refugees), there is no harmonised rule for subsidiary protection status. This results in a patchwork of legal provisions within the EU, as Member States follow completely different regulatory approaches to address this issue, which causes 'limping' situations, jeopardises the uniform application of EU law, hampers the integration of protection seekers, and contradicts the

principle of equal treatment of refugees and beneficiaries of subsidiary protection (BOSP). A harmonised European conflict-of-laws provision should thus be developed for BOSP's personal status matters, which could be implemented in another recast of the EU-Qualification Directive 2011/95/EU.

The centrepiece of the proposed provision is its conflict-of-laws rule, which would replace the connecting factor of 'nationality' with 'habitual residence' in existing (national, European, and – potentially – international) conflict-of-laws provisions regarding personal status matters. This is not only in line with the current trend in European private international law, but can also be justified by the specific situation of BOSP, which is similar to that of refugees, since BOSP also often remain permanently in the host State and have only weak

connections with the law of the country of their nationality if that country has been fragmented or annexed as a result of the civil war from which they fled.

Moreover, the proposed conflict-of-laws provision should consider other issues such as the protection of rights previously acquired, the exclusion of *renvoi*, public policy, and the relations with other existing international conventions. Finally, it is worth considering the option of allowing BOSP to choose the law of the state of their nationality, otherwise the proposed conflict-of-laws provision may be too paternalistic. However, before drafting such a choice-of-law clause, several other aspects should be taken into account, including formal requirements, the protection of third parties, notification of public authorities, reversibility, and uniformity of the choice of law.

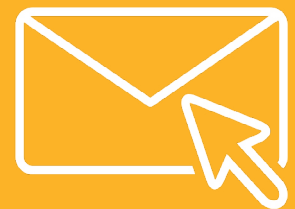
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The ELI Young Lawyers Award was officially launched at the 2016 Annual Conference and General Assembly. The goal of the award is to provide the young legal community in Europe with a mechanism to propose practical suggestions for the improvement of European law, as a way of giving voice to future European legal experts and helping ELI in fulfilling its core mission of improving the quality of law in Europe. This year's award was given to Aron Johanson on 9 October 2024, in the context of ELI's 2024 Annual Conference.

Aron Johanson is a PhD student and research fellow at the chair of Professor Anatol Dutta at the Ludwig Maximilian University of Munich (Germany). He studied law in Passau (Germany) and Dundee (Scotland). His main research focuses on international, European and national family law, and its related interface with migration law. He is the author of numerous publications in these areas and a Visiting Lecturer at the University of Passau (Germany).



Are you an ELI Member?



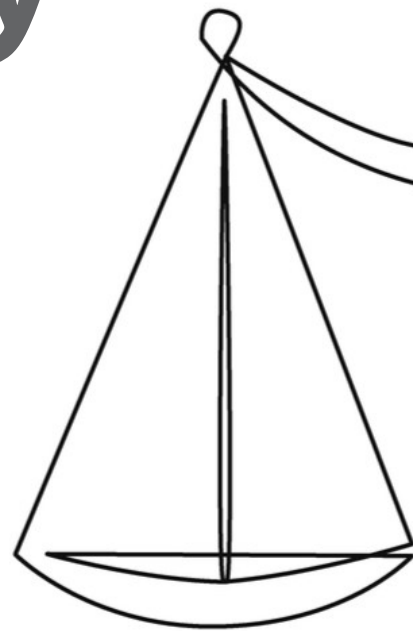
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On the ELI Principles Governing the Third Party Funding of Litigation

Published recently by ELI

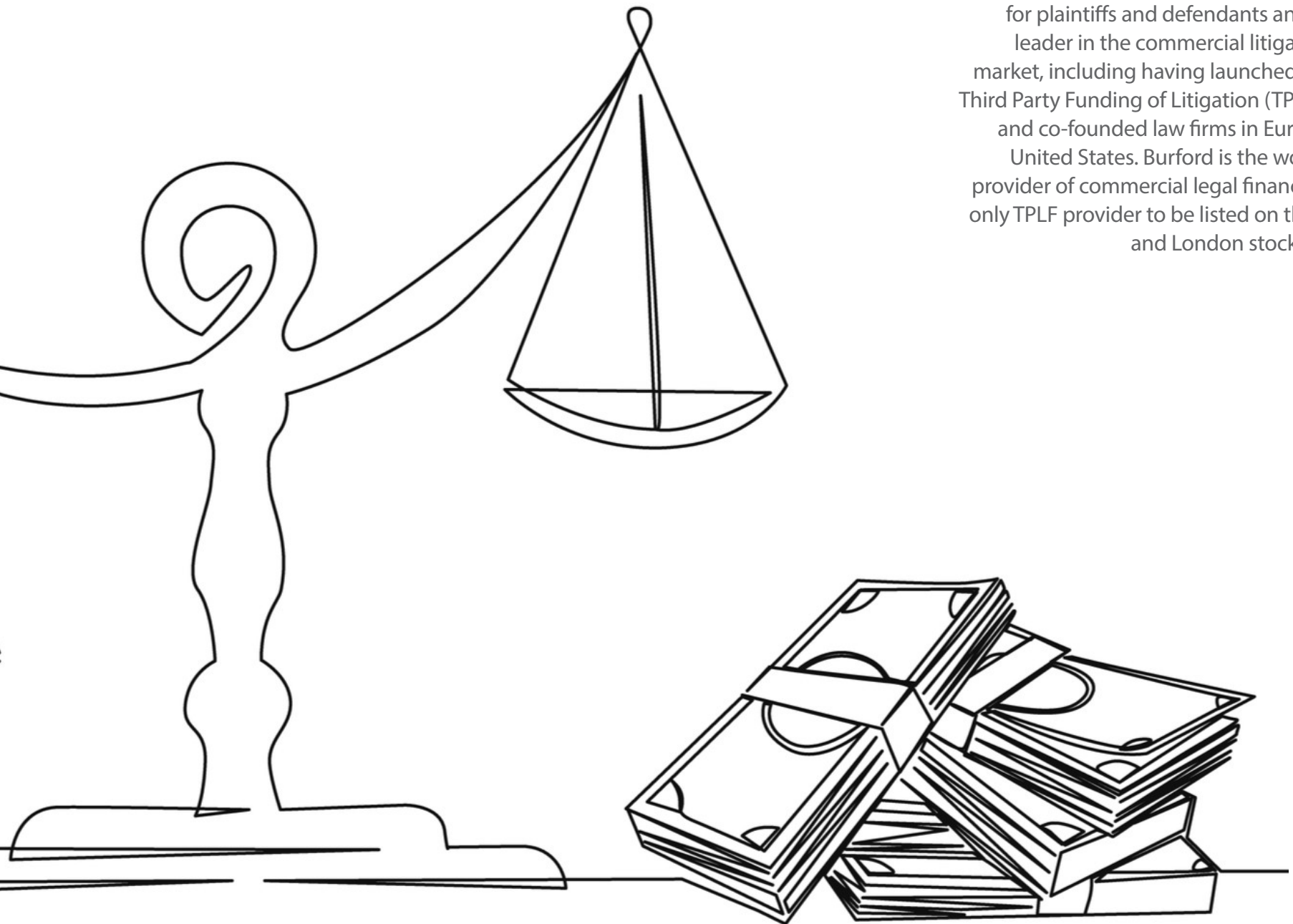


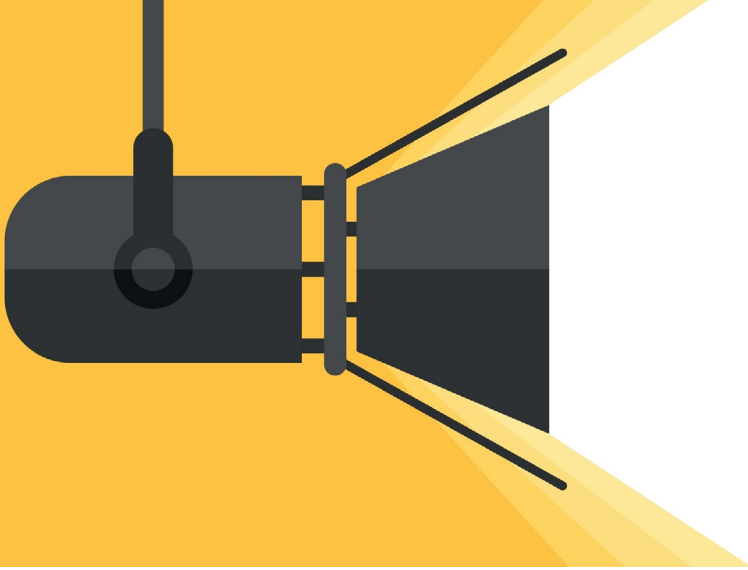
In this Spotlight, Travis Lenkner examines ELI's Principles Governing the Third-Party Funding (TPLF) of Litigation, which aim at providing essential guidance for litigants, funders, legal advisors, and regulatory bodies involved in TPFL agreements. Developed in response to the rapidly expanding global TPFL market, the Principles seek to enhance transparency, fairness, and accessibility in litigation funding. Dame Sara Cockerill, Judge of the High Court of England and Wales, Judge in Charge of the Commercial Court 2020–2022 and Prof Dr Susanne Augenhöfer, Professor, Universität Innsbruck, Visiting Professor and Senior Research Scholar in Law, Yale Law School, led the project. More about the ELI Principles [here](#).

Spotlight by Travis Lenkner

Travis Lenkner is Chief Development Officer of Burford Capital and was an appointed observer of the ELI's Principles project on behalf of the American Law Institute (ALI), of which he is a member.

Based in London, Lenkner has acted as counsel for plaintiffs and defendants and is a global leader in the commercial litigation finance market, including having launched a US-based Third Party Funding of Litigation (TPLF) provider and co-founded law firms in Europe and the United States. Burford is the world's largest provider of commercial legal finance and is the only TPLF provider to be listed on the New York and London stock exchanges.





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years of work by a wide range of experts and stakeholders have led to a foundational document that solidifies the legitimate, effective use of third-party litigation funding in Europe: The European Law Institute's (ELI) Principles Governing the Third Party Funding of Litigation. The Principles represent a substantial, independent contribution to developing third-party litigation funding, which has grown to serve as a critical component of the civil justice system.

In drafting the Principles, ELI has undertaken the first major project to explain third-party litigation funding across all types of disputes and jurisdictions throughout Europe. The result is a valuable, objective guide to TPLF – and, most notably, to the use of legal finance in expensive, high-stakes commercial and collective-redress cases.

But first, what is third-party litigation funding? Also dubbed 'TPLF', it is a globally established practice that increases access to justice for millions of Europeans and strengthens the rule of law. Commercial legal finance allows parties to secure justice in meritorious cases that they otherwise could not have afforded to prosecute, in exchange for a share of the proceeds in the event of a successful resolution. TPLF enables private enforcement of EU and national law; it allows sophisticated parties

to access capital to pursue expensive disputes; and it levels the playing field in claims against large organisations, increasing the overall trust in our justice systems. At the bottom, commercial TPLF is simply a form of corporate finance, recognising that legal claims are assets and enabling organisations of all sizes to access capital based on the value of those assets.

Numerous recent examples highlight TPLF's important role. TPLF aids in the private enforcement of legislation in areas such as competition and data protection and privacy. In the Netherlands, for example, 'every single collective compensation action brought to date has been funded.' TPLF also helps expose corporate and government wrongdoing, as in the case of the UK Post Office scandal. Individuals rarely bring such cases due to high financial risk and limited expected per-claimant damages, but legal finance helps overcome these hurdles. TPLF also helps commercial parties manage exposure to litigation risk – and ever-increasing costs – in large, complex litigation matters.

Against this backdrop, the Principles rightly highlight the 'inescapable' evidence that TPLF delivers 'vital improvement in access to justice and redress for wrongs.' This is of course true in funded cases, but as the Principles note, TPLF enhances efficiency across the entire enforcement scheme: by funding those meritorious cases that can provide a funder with an economic return, 'TPLF plugs gaps in access to justice [and] can free up public money for less economically viable cases.' Simply put, the 'fundamental premise upon which the Principles are based' is that TPLF 'improves access to justice and facilitates the private enforcement of the law.'

Taking an evenhanded approach, the Principles give equal time to criticisms of TPLF from the defence bar and insurance industry. But even a casual reader will discover that, although the Principles credit these arguments as having 'some force,' they scrutinise and ultimately disprove most of them easily. As market participants and policymakers consider TPLF, several of the Principles' key conclusions deserve specific attention:

- **First, the one-size-fits-all regulation of TPLF is not necessary and would cause harm.** The Principles expressly reject calls for heavy-handed, one-size-fits-all regulation, recognising that such efforts are 'overly prescriptive,' would increase costs, and would 'lead back into serious access to justice issues.' 'ELI therefore does not endorse this approach' and instead – after years of study – recommends a 'light touch' to 'ensure that providers who currently fall short of best practice standards ... align their practices with the standards maintained by best practice funders.'
- **Second, regulation should be introduced only in case of market failure and as a measure of last resort.** The risks that regulation will impinge access to justice are 'sufficiently important that ELI does suggest that such regulation is only appropriate where there is an identifiable problem or market failure,' which is 'likely to be a jurisdiction-specific question.' Broadly applicable, cross-jurisdictional rules – including a recent draft directive of the European Parliament – would only 'generate problems.'

The Principles propose a thoughtful, 'complementary approach' involving the 'identification of and provision of guidance on issues which need to be taken into account before entering into a TPLF agreement' as well as transparency in the presentation of terms by a funder to a potential counterparty. This strikes the appropriate balance between promoting access to justice and ensuring funders' transparency and accountability.

- **Third, funding must be economically viable.** As the Principles make clear, 'TPLF is commercial; it has to offer a return to funders, or it will not be offered.' Funders assume economic risk, providing needed capital throughout a proceeding and bearing the risk of complete loss if the case is unsuccessful. In exchange, funders must receive an appropriate economic return. Imposing artificial and unvidenced restrictions in the remuneration funders can request would reduce the availability of funding. In the words of the Principles, there is 'a very powerful suite of arguments that a rules-based approach – and still more the blunt instrument of a percentage cap' on a funder's return – would be 'inappropriate' and 'disincentivise investment in ... high-risk disputes.'
- **Fourth, TPLF does not lead to abusive litigation.** The Principles correctly debunk the notion that TPLF leads to abusive litigation. In fact, as the Principles observe, 'funders actually assist the justice system by weeding out unmeritorious claims' through the use of rigorous due-diligence processes, which include a thorough legal analysis of the claim and its merits. That such processes are 'effective as a check to unmeritorious litigation' is no surprise: funding frivolous lawsuits is not good business.

In this way, TPLF assists the justice system in 'weeding out' unmeritorious claims, as many claimants would reconsider presenting a case that has been rejected by funders (or simply would not be able to proceed with the case absent funding).

- **Fifth, increasing transparency should not be to the detriment of the claimant.** The Principles suggest greater transparency around TPLF agreements. My firm, Burford Capital – along with all members of the International Legal Finance Association (ILFA) – has adopted a series of best practices, committing themselves to offer sufficient transparency to courts to avoid any conflict of interest. The Principles rightly stop short of recommending that this transparency extends to defendants, instead recognising 'force in the argument' that such disclosure would 'create an unjustifiable disadvantage for claimants.' Disclosure of confidential funding information, including the funding agreement, would give defendants an unfair window into crucial information about claimants' legal strategies. And of course, as the Principles note, neither defendants nor plaintiffs of means are subjected to a similar standard of 'transparency.'

The mere fact of the Principles project reflects the importance of TPLF to the legal profession and the administration of the civil justice system. Industry participants and politicians would be well served to acknowledge the benefits of the Principles' core concepts as well as the wisdom in the committee's decision to leave other proposals behind.

Webinar on ELI Principles Governing TPLF

21 October 2024:

- Pascal Pichonnaz (Chair; ELI President; Professor, University of Fribourg)
- Susanne Augenhofer (Co-Reporter; Professor, Universität Innsbruck; Visiting Professor and Senior Research Scholar in Law, Yale Law School)
- Sara Cockerill (Co-Reporter; Judge of the High Court of England and Wales, Judge in Charge of the Commercial Court 2020–2022)
- Julian Chamberlayne (Risk and Funding Partner, Stewarts)
- Pia Lindholm (Deputy Head of Unit for Civil Justice, Directorate-General for Justice and Consumers, European Commission)
- Elizabeth Bragina (Senior Legal Officer, The European Consumer Organisation (BEUC))
- Danguolė Bublienė (President, Supreme Court of Lithuania)

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11 November 2024:

- Pascal Pichonnaz (Chair; ELI President; Professor, University of Fribourg)
- Susanne Augenhofer (Co-Reporter; Professor, Universität Innsbruck; Visiting Professor and Senior Research Scholar in Law, Yale Law School)
- Herbert Woopen (Legal Director, European Justice Forum (EJF))
- Susan Dunn (Founder, Harbour Litigation Funding)
- Neil Purslow (Co-founder and Chief Investment Officer, Therium Capital Management Limited; Chair, International Legal Finance Association (ILFA))

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9

Representational activities held
in September and October 2024



September

5 September ■ **ELI President, Prof Dr Pascal Pichonnaz, and Swiss Bar Association Secretary General Meet**

They were joined by ELI's Secretary General, Dr Vanessa Wilcox. More [here](#).

9 September ■ **ELI and ELSA Austria Presidents Meet**

They were joined by ELI's Secretary General. More [here](#).

10 September ■ **ELI Secretary General and ELSA Portugal President Meet**

More [here](#).

12 September ■ **ELI Secretariat Hosts Standing Committee of the People's Congress of Putuo, Shanghai**

They were joined by ELI's Secretary General. More [here](#).

13 September ■ **ELI Secretariat Hosts Hebei Provincial Higher People's Court**

They were joined by ELI's Secretary General. More [here](#).

17 September ■ **ELI Secretary General and ELSA Italy President Meet**

More [here](#).

19 September ■ **ELI Scientific Director, Prof Dr Christiane Wendehorst, participates in Training Conference of the Swiss Association of Judges in Commercial Matters**

More [here](#).

20 September ■ **ELI Secretary General and ELSA Belgium President Meet**

More [here](#).



The European Law Students' Association



October



- 3 October** ■ **ELI President at UNIDROIT Working Group on International Investment Contracts Session**

More [here](#).

ELI Launches a Ukrainian Library

ELI is pleased to have collaborated with several publishers in establishing a Library in Ukraine.

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Foundation Research on the (Dutch) Judicial System

The Foundation is an independent institution and aims to initiate and finance research into the civil law problems of ordinary citizens and small entrepreneurs. An important research theme of the Foundation is improving the accessibility to justice for citizens and small entrepreneurs. The Foundation believes that improved accessibility – which means lowering thresholds – can reduce the feeling of not being heard among litigants. In that respect, the Foundation is carrying out several research projects.

In October of this year the Foundation will publish a report on the independence of the judiciary in the Netherlands. The question that arises is whether the legal framework is sufficiently robust to prevent political influence on the judicial organisation under all circumstances.



Founded in 1995 in Leuven, now includes over 150 members from Europe and beyond. ELFA aims to enhance legal education through discussion, exchange and cooperation. It achieves this by hosting an annual conference where legal scholars, educators and practitioners discuss legal education topics through plenary sessions, workshops and round tables. This conference fosters networking, sharing insights and exploring innovative teaching methods. Additionally, ELFA publishes the European Journal of Legal Education, an online peer-reviewed journal that covers various topics related to legal education, including learning theory, pedagogy and the use of technology. ELFA also supports young researchers by organising an annual award for the best Doctoral Thesis on European Law. The association represents and promotes its members' interests in legal education and research, engaging with other international organisations and associations to ensure the quality and relevance of legal education.

Based in the heart of the British Midlands, Keele Law School is a diverse, outward-looking and critical law school providing innovative research and empowering legal education. The School hosts five research clusters: ethics health and social care; gender sexuality and law; international and European law; legal education innovation and practice; social justice and human rights. Our researchers contribute to policy on issues such as penal governance, data protection and digital surveillance, religion and intolerance, end-of-life and reproductive ethics, international responses to pandemics, queer jurisprudence, disability rights, mortgage and business lease regulation, or climate security. The School's commitment to making a difference continues with several legal clinics and its pioneering leadership of the Community Legal Outreach Collaboration (CLOCK), a unique project bringing together universities, law firms, barristers chambers, mediation, charitable and court services to educate, assist, monitor and promote access to justice for communities facing barriers to access to justice.


The European Justice Forum (EJF) is a non-profit organisation formed in 2005 to promote balanced, transparent and efficient access to civil justice for consumers and enterprises in Europe, without incurring the damage that would arise from the adoption of class actions. Through its membership and its office in Brussels, EJF engages in an open dialogue with opinion leaders in EU Institutions, national Governments and other relevant stakeholders. EJF develops position papers and other outreach materials, organizes expert debates and participates in factual events.

Individual Members

- Sara Addamo**, Mercatorum University, Italy
- John Asland**, University of Oslo, Norway
- Jillian Carson**, Alzheimer Scotland, United Kingdom
- Gabriele Eramo Puoti**, Sapienza University of Rome, Italy
- Florian Gruber**, University of Innsbruck, Austria
- Viola Heutger**, University of Aruba, The Netherlands
- Bostan Ionel**, Stefan cel Mare University of Suceava, Romania
- Rafaël Jafferli**, Free University of Brussels, Belgium
- Peter Lachinger**, Austrian Power Grid AG, Austria
- Leysser Leon**, Pontifical Catholic University of Peru, Perú
- Mislav Mataija**, European Commission, Belgium
- Işık Önay**, Koç University Law School, Turkey
- Iain Ramsay**, University of Kent, United Kingdom
- Lauris Rasnačs**, University of Latvia, Latvia
- Silvia Rosà**, Court of 1st Instance of Bolzano, Italy
- Nicolas Rouiller**, SwissLegal Rouiller & Associés Avocats SA, Switzerland
- Rute Saraiva**, University of Lisbon Law School, Portugal
- Azymnazar Selimov**, West University of Timisoara, United States of America
- Sofiya Shutiak**, Ukraine National Forestry University, Ukraine

P

rojects



ELI organises its work around projects, which can be long-term endeavours or quick reactions to legislative developments.

ELI Projects

Project Presentation

Presentation of ELI Project on Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters in workshop

13 September 2024



The event served as a platform to present the comparative findings of the country reports commissioned within the project.

LEARN MORE

ELI-UNIDROIT Model European Rules of Civil Procedure Discussed at Sorbonne

4 October 2024



A high-level seminar brought together leading legal experts to explore French civil procedure and the ELI-UNIDROIT Model Rules.

LEARN MORE

ELI Output Translation

ELI-UNIDROIT Model European Rules of Civil Procedure Available in Italian

20 September 2024



ELI is grateful to Elisabetta Silvestri, Laura Baccaglini, Giulia Canella, Elena D'Alessandro, Livia Di Cola, Lina Farina, Rita Lombardi, Roberta Metafora, Carmela Perago, Lea Querzola, and Silvia Tarricone for their efforts in translating the output.

LEARN MORE

ELI Guidance on Company Capital and Financial Accounting for Corporate Sustainability Available in Turkish

6 October 2024



ELI is grateful to İclal Nihal Baraç Evcı for her efforts in translating the output.

LEARN MORE

Project Symposium Meeting

Symposium on ELI's Advance Choices for Future Disablement Project

25 October 2024



Team members met informally in Glasgow to discuss progress on ELI's Advance Choices project.

LEARN MORE

ELI as an Observer

■ ELI at the EU Expert Group Platform for Tax Good Governance

13 September 2024

Prof Georges Cavalier, Reporter on ELI Study For a European Approach to R&D Tax Incentive(s) project, represented ELI at the above meeting. More [here](#).

■ ELI Represented as Observer in HCCH's Digital Tokens Project Second Meeting

7 October 2024

Prof Dr Matthias Lehmann represented ELI in meetings held in The Hague. More [here](#).

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ubs & SIGs

19

Hub and SIG Meetings and other activities were held throughout September and October 2024

Hubs and SIGs are country- and topic-specific groups respectively.

Hubs and SIGs serve as dedicated working groups within ELI, aimed at facilitating discussion, sharing and monitoring legal developments, and stimulating project proposals. As such, they are of fundamental importance to ELI's success.

Croatian Hub

10 September 2024
Online

- **39th Webinar in its Webinar Series on Guidelines for Behaviourally Informed Green Policymaking**
More [here](#).

17 September 2024
Online

- **40th Webinar in its Webinar Series on Private Law for the Digital Market**
More [here](#).

Italian Hub

13 September 2024
Roma Tre University

- **Workshop on Third-Party Litigation Funding in the EU**
More [here](#).

4–6 October 2024
Naples and Online

- **XIX Edition of the 'Andrea Cafiero' EU Law Stage Conference**
More [here](#).

11 October 2024
Dublin, Ireland

- **Panel at ELI 2024 Annual Conference on the Application of European Law by the National Judge**
More [here](#).

Nordic Hub

16 September 2024
Stockholm, Sweden

- **2nd Annual Meeting**
More [here](#).

3 October 2024
Online

- **Event on Climate Change and Challenges for Law and Judges**
More [here](#).

Ukrainian Hub

19 September 2024
Online

- **Discussion on The Rule of Law in Times of War**
More [here](#).

Slovenian Hub

26 September 2024
University of Ljubljana

- **Day of the European Law Conference**
More [here](#).

Hungarian Hub

7 November 2024
Ludovika University

- **International Conference Celebrating 30 Years of the Single Internal Market**
More [here](#).

Turkish Hub

11 October 2024
Dublin, Ireland

- **Panel at ELI 2024 Annual Conference on the ESG Regulatory Landscape and its Harmonisation in Turkey**
More [here](#).

Portuguese Hub

11 October 2024
Dublin, Ireland

- **Panel at ELI 2024 Annual Conference on Sustainability in Food Chains**
More [here](#).

French Hub

17 October 2024
Catholic University of Lyon

- **Workshop on New Project on Essential Goods and Services Project**
More [here](#).

Austrian Hub

23 October 2024
Online

- **Evening Lecture (Book Talk) on Third-Party Litigation Finance: Law, Policy, and Practice**
More [here](#).

Family and Succession
Law SIG

13 September 2024

Maximilian University of
Munich

■ **Workshop on Reinforcing EU Family and Succession Law**

More [here](#).

11 October 2024

Dublin

■ **Panel at ELI 2024 Annual Conference on Stepchildren in Cross-Border Family and Succession Law**

More [here](#).

23 October 2024

Online

■ **Webinar on Claims Against the Estate for Unmarried Partners**

More [here](#).

Competition Law
SIG

20 September 2024

University of Latvia

■ **Conference on the Quantification of Damages**

More [here](#).

Digital Law
SIG

11 October 2024

Dublin, Ireland

■ **Panel at ELI 2024 Annual Conference on Guiding Principles and Model Rules on Algorithmic Consumer Contracts**

More [here](#).

Insurance Law SIG Call



The SIG invites you to take part of a questionnaire relating to a SIG Project on 'Prevention and Insurance'.

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Upcoming Events



11 November 2024 ■ **Second Webinar on Third Party Funding Litigation**
Online

[LEARN MORE](#)

2–3 December 2024 ■ **Conference on Enterprise Foundations in Europe**
Copenhagen, Denmark
More information soon.

11 December 2024 ■ **ALI-ELI Webinar on Enterprise Foundations**
Online
More information soon.

14 February 2025 ■ **Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters Dissemination Conference**
Vienna, Austria

More information soon.

ELI Activities

Hub and SIG Events

For further updates, please see the [ELI Website](#).

Italian Hub

- Co-Organiser of Conference on Capital Markets and Corporate Governance. More [here](#).
- Co-Host of Study Day on the Protection of Human and Fundamental Rights and AI. More [here](#).
- Co-Host of Conference on Procedural Agreements. More [here](#).

4 November 2024
University of Turin, Italy

8 November 2024
Naples, Italy

6 December 2024
Online and University of Catania, Italy

Spanish Hub

- Co-Organiser of Event on Digital Rights and AI at the Madrid Science and Innovation Week 2024. More [here](#).

11–12 November 2024
Complutense University in Madrid, Spain

Croatian Hub

- Co-Host of 6th International Conference on European Company Law and Corporate Governance. More [here](#).

28 November 2024
Zagreb, Croatia

Family and Succession Law SIG

- Host of Webinar on New Family Law: Realities and Future Perspectives. More [here](#).

20 November 2024
Online

Business and Financial
Law SIG

- Co-Host of 6th International Conference on European Company Law and Corporate Governance. More [here](#).

28–29 November
Online and Zagreb,
Croatia

Insurance Law
SIG

- Publication of the book on Insurance Ombudsman Schemes for 2024. More [here](#).

End of 2024

European Law Institute

- Pan-European, democratic, membership-based organisation
- Uniting prominent jurists of all legal professions
- Aiming to improve the law in Europe
- Carrying out projects with immediate practical application

Members of the ELI can contribute to its projects and gain access to an international network of jurists. Apart from other activities, the ELI organises its Annual Conference and Meetings, bringing together Europe's leading experts in diverse fields of law.

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ELI in Vienna

The Secretariat of the ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



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