

Forging Transatlantic Connections

Updates

- [The Rise and Fall of the European Constitutional Treaty](#), **N.W. Barber, Maria Cahill & Richard Ekins** is now in print! (Hart Publishing, 2018). Includes the chapter “*The European Constitution and Europe’s Dialectical Federalism*” by **Erin Delaney**.
- [The Politics of Justice in European Private Law: Social Justice, Access Justice, Societal Justice](#), by **Hans-Wolfgang Micklitz** has been published by the Cambridge University Press in 2018!
- **Martin Gelter** has published a chapter called “*EU Company Law Harmonization between Convergence and Varieties of Capitalism*” in the [Research Handbook on the History of Corporate and Company Law](#) (Harwell Wells ed. 2018).
- **Holly Kathleen Hall**, “*Restoring Dignity and Harmony to the United States-European Union Data Protection Regulation*” in 23 *Comm. L. & Pol’y* 125, 2018.

The Executive Committee:

Chair: Fernanda Nicola (AU-WCL)

Chair-Elect: Erin Delaney
(Northwestern)

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Gráinne de Búrca (NYU)

Erin Delaney (Northwestern)

Katerina Linos (UC-Berkeley)

Vlad Perju (BC)

Daniel Halberstam (Michigan)

Updates

- **Fernanda G. Nicola**, *Another view of the Cathedral: What does the rule of law crisis tell us about democratizing the EU?*, in *Maastricht Journal of European and Comparative Law*, 1-6, 2018.
- **Daniela Caruso**, *Non-Parties: The Negative Externalities of Regional Trade Agreements in a Private Law Perspective*, in *Harvard International Law Journal*, Vol. 59, No. 2, 2018.
- *Is EU Supranational Governance a Challenge to Liberal Constitutionalism?*, by **Gráinne de Búrca** in 85 *U. Chi. L. Rev.* 337 (2018).
- *Legal Scholarship and External Critique in EU Law*, written by **Fernanda Nicola** and **Daniela Caruso** is now printed in [The Transformation or Reconstitution of Europe: The Critical Legal Studies Perspective on the Role of the Courts in the European Union](#), **Siniša Rodin & Tamara Perisin** Eds., Hart Publishing, 2018.

AALS 2018 in Review

Last January in San Diego, the European Law Section held a panel titled ‘The EU and the Rise of Populist Nationalism’

Abstract: Does the rise of populist nationalism in Europe pose a threat to the European Union? This panel examined the question with particular reference to Brexit and its consequences, along with the rise of populist-nationalist parties in such countries as Greece, the Netherlands, Italy, Germany, Hungary, France, Sweden, and Denmark. Populist-nationalist movements in several member states have combined a rhetoric of xenophobic nationalism with a sovereigntist skepticism of the European Union. This panel will engage how the EU has responded, and can respond in the future, to the rise of populist nationalism in the political orders of the member-states. Is the answer ‘more Europe’ or ‘less’, or perhaps some complex combination of the two? From Brexit negotiations to infringement proceedings and sanctions against countries in violation of EU laws, to CJEU decisions on equality, nondiscrimination, fundamental rights, how might EU institutions advance the integration project in these new dynamics?

Moderated by **Julie Suk** (Cardozo), the panel featured the following speakers – **Tomasz Koncewicz** (Princeton); **Peter Lindseth** (UConn); **Ralf Michaels** (Duke); **Vlad Perju** (BC) and **Erin Delaney** (Northwestern).

THE 2019 AALS PROGRAM

For the sixth Annual Meeting, the Section on European Law is hosting a very timely panel co-sponsored by the Section on Africa on *Judicial Diversity in Transnational Courts*, on **Saturday, January 5th, from 10:30am-12:15pm**.

Program Description: Why do so few women and people of color serve on transnational courts and tribunals? Given the paucity of seats available to each nation on the international bench, it should be easy for states to nominate, vote, or appoint them in greater numbers. Yet, despite a series of initiatives to increase gender parity, women, particularly women of color, continue to be conspicuously underrepresented on these courts. Why does it matter? There is now an extensive body of scholarship discussing the reasons why domestic judiciaries might strive for more diversity, including increased legitimacy, dispelling stereotypes, higher quality decision-making and outcomes, and internal institutional change. Are there additional, specific benefits to greater judicial diversity to be expected at the transnational level? Convening leading scholars in the fields of equality law and transnational courts, this panel will address these questions with a special focus on European and African regional courts.

The Panel: Moderated by **Mathilde Cohen** (UConn), the panel will include the following speakers — **Laurence Burgorgue-Larsen** (Université Paris I - Panthéon Sorbonne), **Josephine Jarpa Dawuni** (Howard), **Sally J. Kenney** (Tulane), **Konstantinos Alexandris Polomarkakis** (University of Lincoln), **Iyiola Solanke** (Leeds) and **Kathryn M. Stanchi** (Temple University).

The proceeds of the panel will be published as a **special issue** of the *Connecticut Journal of International Law*.

Business Meeting

The **European Law Section Business Meeting** will take place immediately after the conclusion of the first panel. On the agenda is the finalization of the Chair and Chair-elect appointments and other roles for next year. After the business meeting for those interested in joining us for an **informal lunch**, we are happy to go nearby the hotel and find a casual place where we can all catch up before the next panel!

Remembering Roger Goebel

As many of you know Roger passed away last April, he was an incredible supporter of European scholarship from his center at Fordham Law School. He was always keen to create new opportunities to showcase the work of young scholars researching on EU law and comparative topics. He chaired the AALS EU law section in San Francisco two years ago where he was on a joint panel with Daren Rosenbloom addressing age discrimination in the EU and the US. For this reason, I would like to say a few words about Roger and invite anyone else to say the same at 3:15 pm before the Work in Progress event will start at 3:30 pm.

Work-in-Progress (WIP) Panel

At 3:30 pm the same day, we will host the *Work in Progress (WIP)* panel with a great mix of topics and a diversity of presenters and commentators, chaired by **Erin Delaney**. We are happy to circulate the WIP papers **on demand**.

Paper: *Responding to populist politics at EU level: Regulation 2018/673 and beyond*

John Morijn, Emile Noël Global Fellow, NYU School of Law

Commentator: Professor **Fernanda Nicola**, Washington College of Law, AU

Paper: *Reforming Spain: Public and Private Law Configurations for Protecting Borrowers, Dwellers, and the Homeless*

Kristen Barnes, Professor of Law, University of Akron School of Law

Commentator: Professor **Michele Graziadei**, University of Torino

Paper: *In pursuit of fair taxation of digital economy*

Soraya Rodríguez Losada, Lecturer, University of Vigo

Commentator: Professor **Daniela Caruso**, Boston University School of Law

Paper: *History, system, principle, analogy: Four imaginaries of legitimacy in European Union law*

Paul Linden-Retek, Emile Noël Global Fellow, NYU School of Law

Commentator: Professor **Erin Delaney**, Northwestern Pritzker School of Law

SAVE THE DATE for EUSA, May 9-11, 2019 in Denver, Colorado

Coming Together or Moving Apart?

Program Chairs: **Rachel Epstein** (University of Denver) & **Tanja Börzel** (Freie Universität Berlin)

In recent years, the European Union has endured severe economic crisis, internal and external migratory pressure, the rise of anti-system political parties, and the British vote to leave. Despite a broader economic recovery accompanied by a range of reforms, tensions within the EU over economic policy, border security, and national sovereignty remain. This call invites proposals that contribute to the debate about whether recent developments lay the foundations for continued fractionalization, or whether contrariwise, the EU is newly positioned to move its remaining member-states forward together. Interdisciplinary perspectives on the weaknesses, contradictions and promises of both liberalism and integration, on which the EU has long rested, are especially welcome.